

Character and Fitness: Examining potential barriers to licensure or certification with the Kentucky Board of Physical Therapy.

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Both the Kentucky Revised Statutes and Administrative Regulations contain several eligibility requirements for a person to receive a credential to perform physical therapy services in Kentucky. Most of the requirements are straightforward: completion of an accredited education program; receiving a passing score on the NPTE; etc. However, both statutes and regulations give the board authority to deny or revoke a person's credential for behavior that is not directly associated with that person's performance of physical therapy services. The following will provide guidance as to what the criteria are and how it can be applied.

This document is meant only as an advisory guide. The Board deals with such issues on a case-by-case basis as determined by the specific facts presented and are not bound by any statements contained herein.

Under what circumstances can the Board deny an application or revoke a person's credential for behavior outside of direct physical therapy services?

KRS 327.060 allows the Board to deny an application or revoke a person's credential for several reasons, including, but not limited to:

1. Indulgence in excessive use of alcohol or controlled substances;
2. Being impaired by reason of a mental, physical, or other condition that impedes his or her ability to practice competently and safely on the public.
3. Conviction of a felony or misdemeanor which affects his or her ability to practice competently;

I was recently convicted of a misdemeanor: does that mean the board will reject my application?

Not necessarily. KRS 327.070(2)(f) states that the Board can only discipline an applicant or credential holder for conviction of a misdemeanor or felony that "affects his ability to continue to practice competently and safely on the public." Thus, the mere fact that you were convicted does not trigger an automatic denial of an application or revocation of your credential.

What if my conviction was for a drug or alcohol offense?

KRS 327.070(2)(a) gives the Board authority to deny an application or revoke a credential for engaging in excessive use of alcohol or controlled substances. However, simply being convicted will not automatically preclude you from receiving a credential. In circumstances involving convictions of drugs or alcohol, the Board will consult the Chair of its Impaired Physical Therapy Practitioner's Committee ("IPTPC"), who has the appropriate skill and expertise in evaluating substance abuse issues. Depending on the circumstances of the particular situation, the Board may choose to (1) deny an application; (2) grant a conditional license based upon participation and compliance with the IPTPC program; or (3) grant the license without any conditions.

Factors which help determine the Board's decision include the frequency, severity, and temporal proximity of any alcohol or drug conviction. For example, two misdemeanor alcohol possession convictions which occurred more than five years ago may not be deemed as serious as a DUI conviction occurring weeks prior to application. Likewise, a single felony charge for possession of a controlled substance or trafficking may be deemed more serious than multiple misdemeanor charges.

What if I only have one minor misdemeanor conviction that occurred more than five years ago: do I still need to disclose this on my application?

Yes. Unless a conviction has been expunged from your record pursuant to KRS Chapter 431, an applicant must disclose any misdemeanor or felony convictions. Failure to do so can result in additional discipline pursuant to KRS 327.060(2)(g).