

## **Saskatchewan College of Physical Therapists Criminal Record Check Policy/Procedure**

### Background:

Clause 12 (b) of The SCPT Regulatory Bylaws requires an applicant for a practicing license to submit a “satisfactory” criminal record check.

### Interpretation:

A “satisfactory” criminal record check is one that does not disclose a conviction that would lead to discipline proceedings. Only convictions based on conduct that would fall within the definition of “professional misconduct” as set out in Section 23 of The Physical Therapists Act, 1998 (The Act) will lead to refusal of licensure. A “satisfactory” criminal record check is gained through mandatory declaration at the time of initial application to the SCPT and upon each renewal thereafter.

### Declaration Obligations:

New applicants and individuals renewing their licensure must declare (disclose) the following information about themselves and their practice of physiotherapy or any other health profession in Saskatchewan or in any other jurisdiction.

- a) a conviction for an offence under
  - i. the Criminal Code (of Canada), the Controlled Drugs and Substances Act (of Canada) or the Food and Drugs Act (of Canada); or
  - ii. A criminal or penal statute of a jurisdiction outside of Canada

### Procedure:

1. Where The SCPT becomes aware that an applicant has a criminal conviction through the declaration, the Executive Director shall:
  - a) Report the matter to the Registration Committee and
  - b) Require the applicant or renewal applicant to provide a current criminal records check and sufficient legal documentation of the criminal conviction (ie type of conviction, date of conviction etc)
2. The Executive Director will consult with Legal Counsel and the Registration Committee to determine if the facts as established are such that they would give rise to a reasonable likelihood that the conduct in question would constitute “professional misconduct” as that term is defined in Section 23 of the Act. If it does not, the application will be approved.
3. If the conduct in questions does likely constitute professional misconduct, the applicant will be given an opportunity to make written or verbal representations to the Executive Director concerning the following:
  - a) The circumstances of the offense;
  - b) The severity of the offence;
  - c) The relevance of the offence to practice as a Physical Therapist;
  - d) Steps the applicant has taken since the conviction to rehabilitate him or herself;

- e) The availability of a pardon; and
  - f) Any other relevant factors
4. The Executive Director in consultation with the Registration Committee, may approve the application if she is of the opinion, after reviewing all relevant information/factors, that there is little risk to the public who would be served by the applicant as a Physical Therapist.
  5. If the Executive Director in consultation with the Registration Committee is of the opinion that the criminal record raises concerns of a risk to the public, the matter shall be referred to the Professional Conduct Committee for investigation in accordance with the Act.
  6. An applicant may appeal the decision or any order of the Registration Committee by serving the Executive Director with notice of appeal within 30 days after the decision. On receipt of a notice of appeal, the Executive Director shall file with the council a copy of the formal appeal.

Sample Declaration on the initial application form to the SCPT

I declare that I have not been convicted of an offence under the Criminal Code (of Canada), the Controlled Drugs and Substances Act (of Canada) or the Food and Drugs Act (of Canada); or a criminal or penal statute of a jurisdiction outside of Canada.

I am unable to complete the declaration as stated above (Please contact the Executive Director for further direction)

Sample Declaration on each annual renewal form to the SCPT

I declare that in the last year I have not been convicted of an offence under the Criminal Code (of Canada), the Controlled Drugs and Substances Act (of Canada) or the Food and Drugs Act (of Canada); or a criminal or penal statute of a jurisdiction outside of Canada.

I am unable to complete the declaration as stated above (Please contact the Executive Director of the SCPT for further direction)