

What to Expect While on Probation

Probation of your license can feel uneasy when you feel un-informed. Below is some information to assist you as you begin your probationary period. (Requirements vary and are specific to your stipulated agreement “order”)

Intake Meeting

After your “order” has been signed by the Division Director your assigned compliance specialist will receive a copy. Your order likely instructs you to contact your case manager (compliance specialist) within 2 weeks of the date the Division Director has signed the order. This initial contact is your responsibility. At that time, a meeting will be scheduled for you to go over this order once more to ensure that you understand what is expected of you. You are encouraged to thoroughly read this document. Take out a highlighter if need be, and highlight the sections you may have questions about during this initial meeting with your compliance specialist.

Compliance Specialist (case manager)

As mentioned above, a Compliance Specialist will be assigned to your case. The compliance specialist is assigned to your case based on the specific professions they monitor. This compliance person will be your main contact throughout your probation. Communication with your compliance specialist is very important and may greatly affect your ability to remain compliant. Your compliance specialist is your advocate, your representative to the board and the division, and they are available for any questions/concerns you may have. If for some reason you have an *urgent* situation, and your assigned compliance specialist is unavailable, you may contact any one of our compliance staff for assistance (contact information can be found on the DOPL probation page www.dopl.utah.gov/probation).

Affinity – DOPL’s Compliance Databank

Affinity is DOPL’s compliance monitoring database. Compliance specialists use Affinity as a tool to monitor the progress of your probation. In the majority of cases, you will be required to utilize the Affinity database.

If you are required to drug test, you will likely use Affinity on a daily basis.

Some examples of how probationers will use Affinity could be: to upload required documents, to send and receive messages to/from your compliance specialist, and for daily check-in's in order to find out whether you have been selected for drug/alcohol testing etc...

Drug and/or Alcohol Testing

A large percentage of our probationary conditions include drug and/or alcohol testing. This may be the most costly part of your probation. It is wise to set aside a certain amount of money each month in order to pay for your required test.

***Checking In**

You will be required to check in on a daily basis to find whether or not you have been randomly selected to drug test that day. Daily check-in's can be daunting at first but most find a system that works for them and get used to a pattern. A couple of examples would be to call in first thing in the morning before getting out of bed, or setting an alarm on your phone early in the morning. The earlier the better. You must schedule enough time within that day to go test. Missing check-ins is frowned upon by the board/division and if you happened to miss a random test on the day that you failed to check in, you have set yourself up for increased testing and/or a monetary fine imposed by the board for non-compliance.

***Testing Sites**

Affinity will be able to assist you in finding a testing site near you, whether that be at home or work. There is also the option of a mobile site that can come to you at an additional cost. As previously mentioned, all costs associated with testing is your responsibility. The cost for drug testing can range from \$75.00 per test to upwards of \$800.00 or more. The type and frequency of your tests depends upon what is in your order, and how compliant you have been with your probation. Missing a test is not acceptable.

***Test Results**

Test results are processed at the labs and shared with compliance specialist via the Affinity database. If you test positive for any controlled substance, we must have a prescription for that drug. Be aware, the division may consider a dilute specimen as a positive result. In most cases, when a dilute is the result, more frequent tests or different types of tests can be added, which will also cost you more money. Additionally, you may be asked to attend a meeting with the board to discuss the results of your drug test.

Associated Costs

Your Stipulation/Order will most likely contain a paragraph which notifies you that you are responsible for any costs associated with your probation. *Some* examples of costs may include:

- *Drug Tests** – this could be urine, blood, hair sample, or any other test the division decides, and in varying frequency. It would be wise to set aside funds to utilize for this expense as this may be the most costly part of your probation;
- *Evaluations** - mental, physical, substance use are examples of types of evaluations that may be required of you. These evaluations are typically performed one time, at the beginning of your probationary term, however, an evaluation may be requested at any time;
- *Continuing Education** – you may be required to complete additional continuing education outside of the required continuing education to maintain your license;
- *Therapy** – therapy is often required as one of the conditions of probation. The type and frequency may be decided by the division;
- *Citations** - failure to meet the conditions of your order can sometimes result in a monetary penalty you will be required to pay within a given amount of time.

Board Meetings

You will be required to attend a certain number of board meetings throughout your probation. The frequency of these meetings may be reduced with acceptable compliance of your order. You will be expected to allow your work schedule to be interrupted, so planning ahead for time off is of great importance. The date and time of your appointment will be communicated with you by the board's secretary. While the board secretary will try to notify you a week or more in advance, the time and date is subject to change up to 24 hours before the meeting. In the meeting the compliance specialist will update them of your participation with probation. The Board may ask questions about the progress of your probation, have comments for you, and will determine whether or not you are compliant with the terms of your order.

Continuing Education

Many orders will contain a requirement to take additional continuing education courses. These can range from "Cognitive Thinking and Restructuring" courses to more specific classes that relate to the reason for which you are on probation, such as Ethics.

Employment

The division is not authorized to assist in employment opportunities. The good news is that the vast majority of participants on probation are able to find employment while on probation. If in doubt, seek out counselors, peers or others in similar professions who have been successful in remaining employed or finding employment. Supervisors are required to be notified of your probation status and will most likely submit monthly or quarterly progress reports regarding your performance.

Citations and Monetary Fines

In instances of non-compliance with your probationary order, or additional infractions, a citation may be issued to you. A citation can range from a "cease and desist" with no dollar amount, to a \$25.00 fine - all the way up into the thousands. An example of when a citation could be issued is a pattern of missed reports, failure to check in for drug testing, or a positive drug test.

National Practitioner Data Bank Reporting

Federal law requires each state to report discipline to the National Practitioner Data Bank. If you are the holder of a “medical” professional license (ex: massage therapist, radiology technician, Nurse, physician, mental health professionals etc...) your probation order, any amendments to that order, citations, and all other public discipline will be reported to the NPDB. For more information about the NPDB and how it may affect your license, visit <https://www.npdb.hrsa.gov/>

Reports

Throughout your probation you will be required to submit reports. These can be employment related, such as a supervisor performance report; or perhaps a progress report from your therapist. These reports will vary in frequency and could be dependent upon your success while in the program. Reports are always due by the first of day of the month. (ex: July’s report is due on August 1)

Restrictions

Some orders may contain certain limitations on your license. These can be a permanent or temporary restriction. An example of this might be limiting the hours you will be allowed to work each week, or a limitation on your scope of practice until other requirements have been met.

Stipulation and Order/MOU/Order/Amendments

Your initial order could be titled “Stipulation and Order”, “Order”, “Memorandum of Understanding” among other titles. Your order will contain all of the conditions expected of you throughout your probation. Along the way there may be “Amendments” to the order. Some amendments may include a reduction in the original requirements of your order, usually when there has been good compliance. Some amendments may be an *increase* in the requirements of your original order. You should encourage yourself to review this order on occasion throughout your probation and refresh yourself on what is expected of you. Your probationary order is considered a public document. Statute allows for this to be available for ten years on our DOPL web page

Therapy

Some orders will have a condition which requires therapy. This could include mental health, substance use, AA, PIR groups, or perhaps, all of the above. The frequency at which you will be required to attend counseling or therapy is dependent upon the reasons for which you were put on probation or perhaps a recommendation from the board to add or reduce a therapy requirement.

**Please note: This document is only an example of what you may expect and not a complete listing of what may be required of you during your probation. The majority of it depends upon your unique situation and what your probationary order contains.*



Compliance staff are available from 8-5 each workday (excluding holidays) Contact information can be found in your order and also on the DOPL probation web page. www.dopl.utah.gov/probation