

CALIFORNIA PRISON HEALTH CARE SERVICES



VOLUME 3: QUALITY MANAGEMENT	Effective Date: 7/15/11
CHAPTER 6: CREDENTIALING	Revision Date(s):
POLICY 3.6.2: CREDENTIAL NOTIFICATIONS	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

I. PURPOSE

The purpose of this policy is to:

- Distinguish the administrative responsibilities of the Credentials Committee (CC), a subcommittee of the Professional Practice Executive Committee (PPEC) regarding employment or contracting decisions from its peer review responsibilities regarding professional competence and patient-inmate safety,
- Define criteria for credentialing notifications,
- Outline the process for transmitting information regarding licentiates' performance within California Prison Health Care Services or California Department of Corrections and Rehabilitation, Division of Correctional Health Care Services (CPHCS/DCHCS) to peer review bodies and to those responsible to make administrative employment or contracting decisions.
- Outline the process to standardize credentialing actions so that like cases are treated alike.

II. POLICY

- A.** Medical, dental, and mental health care licentiates may treat CPHCS/DCHCS patient-inmates only after their professional credentials have been reviewed and cleared by CC. In acting on requests for credential clearance, the CC gathers and reviews information related to the licentiate's qualifications and competence to provide appropriate care in a correctional setting.
- B.** The CC's decision to grant or deny a request for credential clearance is an action of a peer review body. Peer review actions, if taken for a medical disciplinary cause, may be reportable to entities outside CPHCS/DCHCS under state or federal law.
- C.** While the CC is neither the hiring authority for civil servants, nor the contracting authority for contract providers, the CC frequently receives information relevant to administrative employment or contracting decisions. Credentialing alerts are a means for the CC to gather, relay, and act upon that information so that hiring or contracting authorities may take appropriate administrative action.
- D.** Under CPHCS/DCHCS credentialing policies, the CC may approve requests for credential clearance only for providers whom the CC finds to have both:
 1. The required licensing, certifications, and other documentary credentials, and
 2. The background, the current competence, and the physical and mental ability to discharge patient-inmate care responsibilities appropriately in a

CALIFORNIA PRISON HEALTH CARE SERVICES

correctional setting. Background, current competence, and physical and mental ability include:

- a. The appropriate clinical skills, competency, and judgment necessary to perform the health care services provided to patient-inmates,
 - b. The appropriate background, experience and training, current competence, knowledge, judgment, and ability to perform techniques in the specialty for which credentials are reviewed,
 - c. Consistent observance of professional and ethical standards, e.g., a history of acting in a professional and collegial manner and abstaining from fee splitting and illegal payments,
 - d. Appropriate written and verbal communication skills.
- E.** In making credentialing decisions, the CC may consider factors including, but not limited to:
1. Lack of recent, relevant experience
 2. Gaps in employment
 3. Adverse information reported by supervisors or peers
 4. Any information related to a provider's ability to deliver quality care.
- F.** The CC is a peer review body within the meaning of Business & Professions Code § 805 and Evidence Code § 1157. In carrying out its peer review duties, the CC must obtain information about licentiates' prior services to CPHCS or California Department of Corrections and Rehabilitation (CDCR). This information is relevant not only to the CC's peer review functions, but also to administrative employment and contracting decisions made by hiring and contracting authorities within CPHCS/DCHCS.

III. DEFINITIONS

Credential Notification: A notation to a licentiate's credentialing file, stating that the CC has evidence of unsatisfactory prior service to CPHCS/DCHCS by that licentiate. Credential notifications include **credential alerts** containing facts that must be considered by the CC and the hiring or contracting authority prior to the CC's action on a request to clear credentials.

Credential notifications also include **credential bars**, which require referral to PPEC rather than CC action on future requests to clear credentials if the licentiate's unsatisfactory service has resulted in (a) suspension or revocation of the licentiate's privileges by a CPHCS/DCHCS peer review body or officer, (b) separation for cause from civil service employment with CPHCS/DCHCS, (c) termination for cause of the licentiate's services as a contract provider with CPHCS/DCHCS, or (d) any legally enforceable agreement, including but not limited to, a settlement agreement prohibiting the licentiate from practicing as an employee or contract provider with CPHCS/DCHCS.

CALIFORNIA PRISON HEALTH CARE SERVICES

Credentials Committee (CC): The Credentials Committee, a subcommittee of PPEC.

Contract Provider: Any licentiate who practices within CPHCS/CDCR and who is not an employee of CPHCS/CDCR, including but not limited to registry providers, specialty providers, and subcontractors or employees of medical service contractors.

Contracting Authority: The person or persons responsible for bidding, negotiating, implementing, or terminating a contract for the provision of medical, dental, or mental health care services.

Hiring Authority: The person or persons responsible for deciding whether a licentiate will be offered employment as a civil servant to provide medical, dental, or mental health care to CPHCS/DCHCS patient-inmates and empowered to offer civil service employment to that licentiate.

Licentiate: Same meaning as in Business & Professions Code § 805(a)(2).¹

Medical Disciplinary Cause or Reason: Same meaning as in Business & Professions Code § 805(a)(6).²

Peer Review Body and Peer Review Officer: The entities or persons responsible for peer review, as defined in Business & Professions Code § 805(a)(1).³

Professional Practice Executive Committee (PPEC): The Committee or its successor which is responsible for performing peer review for licentiates providing health care services to patient-inmates.

Unsatisfactory Service by a Licentiate includes any of the following, but is not limited to:

- Denial, suspension, or revocation of privileges by a CPHCS/DCHCS peer review body.
- Unsatisfactory performance as a contract provider, for example, unreliable attendance, insufficient productivity, failure to respond appropriately to direction or supervision, failure to comply with custody requirements or to interact

¹ On May 3, 2011, Section 805(a)(2) stated: "Licentiate" means a physician and surgeon, doctor of podiatric medicine, clinical psychologist, marriage and family therapist, clinical social worker, or dentist. "Licentiate" also includes a person authorized to practice medicine pursuant to Section 2113 [registered medical school faculty] or 2168 [eminent academics with out-of-state licenses].

² On May 3, 2011, Section 805(a)(6) stated: "Medical disciplinary cause of reason" means that aspect of a licentiate's competence or professional conduct that is reasonably likely to be detrimental to patient-inmate safety or to the delivery of patient-inmate care.

³ On May 3, 2011, Section 805(a)(1)(A) stated: "Peer review" means both of the following:

- (i) A process in which a peer review body reviews the basic qualifications, staff privileges, employment, medical outcomes, or professional conduct of licentiates to make recommendations for quality improvement and education, if necessary, in order to do either or both of the following:
 - (I) Determine whether a licentiate may practice or continue to practice in a health care facility, clinic, or other setting providing medical services, and, if so, to determine the parameters of that practice.
 - (II) Assess and improve the quality of care rendered in a health care facility, clinic, or other setting providing medical services.
- (ii) Any other activities of a peer review body as specified in subparagraph (B).

CALIFORNIA PRISON HEALTH CARE SERVICES

- appropriately with custody staff, or failure to carry out duties related to billing, record-keeping, and other administrative functions of CPHCS/DCHCS, or
- Unsatisfactory performance as a civil service employee, for example, unreliable attendance, insufficient productivity, failure to respond appropriately to direction or supervision, failure to comply with custody requirements or to interact appropriately with custody staff, or failure to carry out duties related to record-keeping, and other administrative functions of CPHCS/DCHCS, or
 - Investigation of or action against the licentiate's license by the appropriate licensing board, including complaints or reports to the board or to any other body to whom reports may be required by state or federal law.
 - Failure, inability, or refusal to obtain appropriate qualifications such as academic degrees, current unrestricted licensure, board certification, advanced cardiac life support certification for medical licentiates or basic life support certification for mental health (once approved) and dental providers, or Continuing Medical Education completion.
 - Criminal charges or convictions against the licentiate.

IV. GENERAL PROCEDURE

A. Reporting to the CC

When any peer review body, peer review officer, hiring authority, or contracting authority takes action based on unsatisfactory performance by a licentiate, it must notify credentials verification staff of that action within five business days.

B. Placement of Credential Notification

When the CC receives notice of the action based on unsatisfactory service, the CC shall review the facts related to the action based on unsatisfactory performance by a licentiate.

1. **Credential Alert:** If the CC determines that the facts should be considered as part of any subsequent request to grant staff privileges to that licentiate, then a credential alert shall be placed in the licentiate's credential file and the CC shall consider the facts before acting on any subsequent request to grant staff privileges to the licentiate.
2. **Credential Bar:** If the CC determines that the licentiate's unsatisfactory service has resulted in any of the following, then a credential bar shall be placed in the licentiate's credential file and the CC shall be barred from acting on any subsequent request to grant staff privileges to the licentiate:
 - Suspension or revocation of the licentiate's privileges by a CPHCS peer review body or officer,
 - Separation for cause from civil service employment with CPHCS or CDCR, or
 - Termination for cause of the licentiate's services as a contract provider with CPHCS/DCHCS, or
 - Any legally enforceable agreement, including but not limited to, a settlement agreement prohibiting the licentiate from practicing as an employee or contract provider with CPHCS/CDCR.

CALIFORNIA PRISON HEALTH CARE SERVICES

C. Preparation for Action on Subsequent Requests to Clear Credentials

Before taking any action on a request to clear a licentiate's credentials, the CC shall:

1. Consider all credential notifications, i.e., alerts or bars, in the licentiate's credentialing file, and
2. Confirm that the hiring authority or contracting authority who requests the credential clearance is informed of and has considered all facts relevant to the administrative employment or contracting decision, including facts that resulted in the placement of a credential alert or bar.

D. Consideration of Subsequent Requests for Staff Privileges:

1. If the licentiate's file contains a credential bar, then the CC is barred from acting on any subsequent request to grant staff privileges to that licentiate and must refer the request to clear credentials to the appropriate peer review subcommittee for review and recommendation to PPEC.
2. If the licentiate's file contains credentialing alerts but no credential bar, then the CC shall consider the request. The CC may grant a request to clear credentials only if it determines that the licentiate has both (i) the appropriate credentials and background, and (ii) the current competence and mental and physical ability to discharge patient-inmate care responsibilities appropriately in a correctional setting. Where the licentiate has appropriate credentials and background, but the CC lacks sufficient information to make a finding regarding current competence and mental and physical ability, the CC may:
 - a. Reject the request for credential clearance as incomplete, or
 - b. Refer the request to the appropriate peer review subcommittee of PPEC for a factual finding. In that case the appropriate peer review subcommittee shall report its finding to the CC with a recommendation for action.

E. Referring Actions for Medical Disciplinary Reasons

The CC is not authorized to deny any request for staff privileges based on a medical disciplinary cause or reason. Where the CC determines that it cannot act on a request for staff privileges without denying it based on a medical disciplinary cause or reason, the CC must refer the matter to PPEC for action.

V. REFERENCES

- California Business & Professions Code § 805
- California Evidence Code § 1157