



State of California—Health and Human Services Agency  
**Department of Health Services**



**SANDRA SHEWRY**  
Director

**ARNOLD  
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Governor

July 8, 2005

AFL 05-23

TO: Skilled Nursing Facilities (SNF)  
Skilled Nursing In-House Training Programs  
Nurse Assistant Training Schools  
Home Health Agencies  
Home Health Aide Training Programs  
Intermediate Care Facilities for the Developmentally Disabled,  
Developmentally Disabled-Habilitative and  
Developmentally Disabled-Nursing (ICF DD/DDH/DDN)  
General Acute Care Hospitals (GACH)  
General Acute Care Hospitals, Distinct Part (DP/SNF)  
Adult Day Health Care (ADHC)

FROM: CALIFORNIA DEPARTMENT OF HEALTH SERVICES  
LICENSING AND CERTIFICATION SECTION

SUBJECT: . Timely and Accurate Submission of Application Material to  
Department of Health Services (DHS)  
. Certified Nurse Assistant/Home Health Aide (CNA/HHA)  
Candidates Previously Revoked/Denied by DHS  
. Disqualifying Penal Codes  
. English Speaking/Writing Skills  
. Change of Address Notification by CNAs/HHAs  
. Certification by Fraud  
. New Address Reminder  
. When CNAs/HHAs May Work  
. CNA Certification Requirement at GACHs

**TIMELY AND ACCURATE SUBMISSION OF APPLICATION MATERIAL TO DHS**

Health and Safety Code 1338.5 requires students or training programs to submit applications, fingerprints and fees to DHS upon enrollment and before patient contact. There are still nurse assistant training programs (NATP) that do not submit the CNA/HHA application material according to this law. Violations may result in the NATP being terminated by DHS.

When sending CNA/HHA initial applications and fingerprints to DHS, it is important to keep each student's check, 2<sup>nd</sup> copy of the completed Request for Live Scan Service (BCII 8016 form) and application TOGETHER. Do not attach all checks, all BCII 8016 forms and all applications in separate stacks.

Please write the Social Security number (SSN) on each individual check or money order in the upper left corner to facilitate processing by DHS.

### **CNAs/HHAs PREVIOUSLY REVOKED OR DENIED CERTIFICATION**

There are high numbers of CNA/HHA candidates previously revoked due to criminal conviction violations, who attempt to retrain and reapply as initial applicants. Therefore, training providers are requested to call the Registry's automated telephone response system, the Interactive Voice Response Unit (IVRU), at (916) 327-2445 for the status on prospective enrollees to see if they were previously revoked or denied certification. If they have been, they may again be denied certification AND you may be placing residents in danger. Your training program may be investigated and approval terminated.

When calling the IVRU, and inputting the Social Security number, the response for those with denied/revoked certificates will include:

"The status is not available from our automated system. To discuss the status with one of our representatives, press O",

**You do not have to talk to a representative.** Be apprised that this individual's certification has been denied or revoked for cause and she/he **may not work at any long-term care facility** as a nurse assistant unless the decision is reversed. **Protecting residents is paramount and, since the training includes at least 100 hours of hands on patient care, he/she should not be allowed to take the training.**

### **DISQUALIFYING PENAL CODES**

Many applicants complete the training and pass the competency exam but are denied certification because the criminal background check reveals that they have been convicted of one or more penal code violations which are **automatic disqualifications for certification.**

CNA/HHA training programs are required to do a criminal screening of all applicants. Use the enclosed list of Penal Codes that automatically disqualifies an individual for certification as a screening tool. Convictions of any of these Sections without court granted rehabilitation or dismissal will result in automatic denial of certification by DHS. This will help to avoid unnecessary training of individuals who will not be eligible for certification.

### **ENGLISH SPEAKING/WRITING SKILLS**

To ensure that students attain competent English speaking, writing, and comprehension skills by the end of training, the training providers must ensure that enrollees can comprehend English at the sixth grade level.

### **CHANGES OF ADDRESS NOTIFICATION BY CNAs/HHAs**

Training programs and employers must ensure that CNA/HHA certificate holders are reminded that Health and Safety Code 1337.6 requires that CNAs/HHAs who have changed addresses notify DHS within 60 days of the move. This will ensure that renewal notices are mailed timely to the correct addresses and employment is not terminated due to expired certificates. **DHS does not issue extensions.**

### **CERTIFICATION BY FRAUD**

It has come to the DHS' attention that individuals who are unable to communicate or write basic (elementary) English, have sought employment at skilled nursing facilities and posed as CNAs.

DHS in conjunction with Department of Justice (DOJ) will investigate individuals involved in making or giving any false statement or information in conjunction with the application for issuance or renewal of a certificate. In addition, the Bureau of Medi-Cal Fraud and Elder Abuse at the DOJ has an ongoing investigation to find people who are illegally helping applicants obtain CNA or HHA certificates.

### **NEW ADDRESS REMINDER**

All mail sent to the Aide and Technician Certification Section (ATCS) must be addressed as follows:

Department of Health Services  
Licensing and Certification  
Aide and Technician Certification Section  
1615 Capitol Avenue, MS 3301  
P. O. Box 997416  
Sacramento, CA 95899-7416

Since ATCS moved to its present location May 18, 2003, the postal service has been forwarding mail sent to old addresses to the new address. However, recently, the postal service has been returning mail to the sender if it is addressed to ATCS with any other address. It is also a reminder that any overnight mail must have the street address on it for it to be delivered.

### **WHEN CNAs AND HHAs MAY WORK**

There is sometimes a DELAY in obtaining a background clearance and processing applications through no fault of the nurse assistant. They **may work** pending background clearance but only when applicants have been cleared and have passed the competency exam are certificates issued.

HHAs may **not work** as certified HHAs until they have received a certificate from DHS.

### **CNA CERTIFICATION REQUIREMENT AT GACHs**

There is no federal or state requirement that nurse assistants be certified to work in acute care hospitals **except in the distinct part skilled nursing facility (DP/SNF) portion of the hospital.**

The law allows nurse assistants, who have passed their competency examination, to work at SNFs. DHS allows them to work without a CNA certificate, pending their background clearance and certification.

Many nurse assistants have reported that they are being required by GACHs to provide a CNA certificate prior to employment. Since this prerequisite to employment as a nurse assistant is NOT A DHS REQUIREMENT, **GACHs should clarify that this practice is a “hospital policy” only.**

### **QUESTIONS**

If there are any questions about this notice, please contact DHS by email at **[cna@dhs.ca.gov](mailto:cna@dhs.ca.gov)**, or fax to (916) 552-8785.

Sincerely,

**Original Signed by Tom Kraus  
for Brenda G. Klutz**

Brenda G. Klutz  
Deputy Director

Enclosures A. Disqualifying Penal Code Sections (ATCS 98-4 form)  
B. Request for Live Scan Service (BCII 8016 form SAMPLE)

cc: Chancellors Office of the CA Community Colleges, Sacramento  
Saddleback College, NATAP Test Site, Mission Viejo  
American River College, NATAP Test Site, Sacramento  
Santa Barbara City College, NATAP Test Site, Santa Barbara  
American Red Cross, LA Chapter  
Clay Mitchell, Department of Education, Sacramento