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*Director*

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



ARNOLD SCHWARZENEGGER  
*Governor*

November 3, 2008

AFL 08-27

**TO:** All Health Facilities  
Skilled Nursing In-House Training Programs  
Nurse Assistant Training Schools  
Home Health Aide Training Programs

**SUBJECT:** Criminal Record Clearance

Senate Bill 1759, Chapter 902, Statutes of 2006, in part amended the Health and Safety Code Sections 1265.5, 1338.5, 1416.26, 1522, 1526.5, 1568.07, 1568.09, 1569, 17, 1569.24, 1575.7, 1596.871, 1728.1, 1736.6, 1743.9, 106700, and 116735, and added 1522.08, revising procedures for criminal record information searches and clearances, and, with certain exceptions, prohibit applicants, under specified conditions, from having direct contact with clients or residents until the criminal record clearance process is completed by the California Department of Public Health (Department). The requirements for this amendment applies to applicants for certification for Nurse Assistants and Home Health Aides, direct care staff in Intermediate Care Facilities for the developmentally disabled (ICF-DD), direct care staff in ICF-DDs Habilitative (ICF-DDH), and direct care staff in ICF-DD Nursing (ICF-DDN). Additionally, specified staff in ICF-DD, ICF-DDN, ICF-DDH, adult day health care centers, home health agencies, and private duty nursing agencies are subject to these requirements.

In order for the criminal record clearance requirement to become operational both of the following conditions must be met:

- ✓ The Licensing and Certification Program (L&C) within the Department, must receive 95 percent of its total responses indicating no evidence of criminal information from the California Department of Justice (DOJ) within three (3) business days.
- ✓ Furthermore, L&C must process 95 percent of its total responses which require disqualification of an applicant or certificate holder, no later than 45 days after the date the report is received from DOJ and the Department must issue an All Facilities Letter (AFL) informing facility licensees of that fact.

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At this time, the Department has not met these conditions; therefore, the requirement prohibiting direct contact with clients or residents until the criminal record clearance process is completed is inoperative.

The Department will issue another AFL advising when these conditions have been met and the requirement prohibiting direct contact with clients or residents until the criminal record clearance process is completed by the Department is operative.

If you have questions regarding this issue, please contact Evon Redding, Chief of the Criminal Background Section at (916) 552-8885.

Sincerely,

**Original Signed by Kathleen Billingsley**

Kathleen Billingsley  
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