

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



RON CHAPMAN, MD, MPH
Director & State Health Officer



EDMUND G. BROWN JR.
Governor

January 23, 2015

SAN JOAQUIN DELTA COLLEGE
5151 PACIFIC AVE.
STOCKTON, CA 95207

Attention: CNA School Program Director

SUBJECT: Criminal Background Clearance Process

This letter is to inform all NATPs that passage of SB 1384 (Chapter 847, Statutes of 2014), affects individuals who enroll in a NATP regarding the criminal background screening process implemented by the school.

This bill removes the requirement that CDPH deny a certified nurse assistant (CNA) training and examination application (CDPH283B), or revoke or suspend a CNA certificate, resulting from certain convictions. California Department of Public Health (CDPH) listed these convictions on websites for Aide and Technician Certification and Training Program Review Unit under "Disqualifying Penal Code Sections". Based on SB1384, this list was removed from the websites and these convictions no longer require automatic denial of the application by CDPH. NATPs must discontinue use of this list and automatically disqualifying applicants. The CDPH283B application has not changed and applicants must list all convictions.

CDPH evaluates criminal convictions for **any offense** and either grants or denies criminal record clearance by reviewing evidence of good character and rehabilitation provided by applicants, or information gathered by CDPH in relation to criteria outlined in Health and Safety Code Section 1337.9(c). See page 3 for specific criteria.

NATPs are encouraged to inform students that any conviction receives an evaluation by CDPH. Due to longer processing times and the possibility that the student may complete NATP training, pass competency examination, pay tuition and testing fees, and still not obtain a background clearance. Failure to obtain background clearance prohibits students from obtaining CNA certification. CDPH is responsible to ensure that NATPs do not misrepresent information provided to prospective students, or receive funds for tuition without informing them of the clearance process. NATPs are encouraged to update information provided to applicants regarding the clearance process.

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For individuals (potential students) who have any convictions, or have questions about their ability to obtain the Live Scan/DOJ background clearance, they can request an "inquiry" with the Department by doing the following:

1. Fill out the top two sections of the CDPH283B form, and sign the applicant signature line. At the top of the form, write the following: **"CLEARANCE ONLY WITH LETTER"**. The school does not fill out any information on the form.
2. Write at the top of the LiveScan form (BCIA8016) **"CLEARANCE ONLY WITH LETTER"**, when filling out the form at the LiveScan vendor site.

CDPH will review LiveScan/DOJ results, determine if the individual is "cleared" or not "cleared", and send the individual a letter explaining the results.

NATP students who submitted the CDPH283B application and Live Scan to DOJ and want verbal acknowledgement regarding "clearance", may call the Aide and Technician IVR line at (916) 327-2445 and request information from the ATCS phone representative regarding clearance.

Further questions may be referred to your Training Program Review Unit Representative, or the Professional Certification Branch at cna@cdph.ca.gov or call 916)327-2445.

Sincerely,

Judi Wilkinson, RN
Chief, Training Program Review Unit
CDPH, Licensing and Certification

CDPH Criteria for Reviewing Criminal Background Clearance Per Health and Safety Code 1337.9(c)

- The nature and seriousness of the conduct or crime under consideration and its relationship to their employment duties and responsibilities.
- Activities since conviction, including employment or participation in therapy or education, that would indicate changed behavior.
- The period of time that has elapsed since the commission of the conduct or offense and the number of offenses.
- The extent to which the person has complied with any terms of parole, probation, revocation or any other sanction lawfully imposed against the person.
- Any rehabilitation evidence, including character references, submitted by the persons.
- Employment history and current employer recommendations.
- Circumstances surrounding the commission of the offense that would demonstrate the unlikelihood of repetition.
- An order from a superior court pursuant to Section 1203.4 and 1203.4a or 12303.41 of the Penal Code.
- The granting by the Governor of a full and unconditional pardon.
- A certificate of rehabilitation from a superior court.