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



EDMUND G. BROWN JR.
Governor

January 20, 2015

AFL 15-01

TO: All Facilities

SUBJECT: Certification of Nurse Assistants by the California Department of
Public Health (CDPH)

This All Facilities Letter provides notice of passage of SB 1384 (Chapter 847, Statutes of 2014). This bill deletes the requirement that CDPH deny a certified nurse assistant (CNA) training and examination application, or revoke or suspend a CNA certificate, as a result of a conviction of specified violations.

Effective January 1, 2015, CDPH will evaluate CNA applicants with criminal convictions for any offense using its existing process in which CDPH requests that the applicant provide evidence of good character and rehabilitation. CDPH will review the information and either grant or deny criminal record clearance, based on the following criteria outlined in Health and Safety Code section 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, restitution, or any other sanction lawfully imposed against the person.
- Any rehabilitation evidence, including character references, submitted by the person.
- 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, 1203.4a, or 1203.41 of the Penal Code.
- The granting by the Governor of a full and unconditional pardon.
- A certificate of rehabilitation from a superior court.

CDPH will determine whether the applicant/certificate holder is rehabilitated based on the information submitted by the applicant/certificate holder or other information gathered by CDPH. If eligible, CDPH may grant criminal record clearance. If CDPH determines that an applicant/certificate holder is not rehabilitated, CDPH will deny the application, or revoke or suspend the certificate.

All other criminal record clearance processes remain in effect. If you have any additional questions, please contact the Professional Certification Branch at cna@cdph.ca.gov or (916) 327-2445.

Sincerely,

Original signed by Jean Iacino

Jean Iacino
Interim Deputy Director

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