



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



September 3, 2024

AFL 24-21

TO: All Facilities

SUBJECT: Solicitation of Input for Regulations Governing Criminal Record Clearances for Certified Nurse Assistants and Home Health Aides

All Facilities Letter (AFL) Summary

This AFL notifies All Facilities and interested stakeholders that the Center for Health Care Quality (CHCQ) is seeking public comment related to the development of criminal record clearance regulations for certified nurse assistants and home health aides by October 3, 2024.

Pursuant to Government Code section 11346, AFL 17-07 Pre-Notice Solicitation of Input for Regulations Governing Criminal Record Clearances for Certified Nurse Assistants and Home Health Aides invited interested parties to submit comments regarding the substance of regulations governing criminal record clearances regulations for certified nurse assistants and home health aides prior to the start of the formal rulemaking process.

CHCQ is seeking additional stakeholder input for consideration while developing regulations to implement procedures for processing criminal record clearances for certified nurse assistants described in Health and Safety Code (HSC) sections 1337.9 and 1338.5 and criminal record clearances for home health aides described in HSC sections 1736.5 and 1736.6.

The regulations will reduce confusion for prospective and active certified nurse assistants and home health aides by aligning procedures where possible and specifying:

- Which crimes are substantially related to the qualifications, functions, and duties of a certified nurse assistant and a home health aide
- An expedited criminal record clearance process
- The documents that may be requested as evidence of rehabilitation and when evidence will be required
- What constitutes unprofessional conduct
- Eligibility requirements for participation in a diversion program
- Diversion program procedures

Please share your feedback, comments, and suggestions by submitting them to the CHCQ Regulation Development Section at CHCQRegulations@cdph.ca.gov by 5:00 p.m. on October 3, 2024.

Sincerely,

Original signed by Cassie Dunham

Cassie Dunham

Deputy Director

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