

76209 Criminal Record Clearance

(a)

The following persons shall submit a fingerprint card as part of the application for the purpose of conduction of a criminal record review: (1) The applicant, if an individual. (2) If the applicant is a corporation, each officer, director and holder of a controlling interest. (3) If the applicant is a partnership, each general partner. (4) The facility administrator. (5) Any other person who will be in charge of the overall operation of the facility.

(1)

The applicant, if an individual.

(2)

If the applicant is a corporation, each officer, director and holder of a controlling interest.

(3)

If the applicant is a partnership, each general partner.

(4)

The facility administrator.

(5)

Any other person who will be in charge of the overall operation of the facility.

(b)

If the criminal record of any of the above individuals indicates that he or she has

been convicted of any crime that is related to the operation of a health facility, or community care facility as defined by Section 1502 of the California Health and Safety Code or which has a substantial relationship to that individual's duties, functions and responsibilities in the operation of the applicant facility, the license application shall be denied, unless the Department determines that the individual is suitably responsible to serve in the proposed capacity. Factors that the Department may consider as evidence of suitability include, but are not limited to: (1) The nature of the crime. (2) Time since the crime was committed and the number of offenses. (3) Circumstances surrounding the commission of the crime that would demonstrate the unlikelihood of repetition. (4) Activity since conviction, such as employment and participation in therapy or education, that would indicate changed behavior. (5) That the crime has been pardoned or the record expunged. (6) Character references. (7) A certificate of rehabilitation from a superior court.

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Time since the crime was committed and the number of offenses.

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Circumstances surrounding the commission of the crime that would demonstrate the unlikelihood of repetition.

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That the crime has been pardoned or the record expunged.

(6)

Character references.

(7)

A certificate of rehabilitation from a superior court.