



C A L I F O R N I A D E P A R T M E N T O F
Mental Health

1600 9th Street, Sacramento, CA 95814
(916) 654-2309

September 11, 2003

DMH LETTER NO.: 03-02

TO: LOCAL MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH PROGRAM CHIEFS
LOCAL MENTAL HEALTH ADMINISTRATORS
COUNTY ADMINISTRATIVE OFFICERS
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS

SUBJECT: MENTAL HEALTH FACILITIES CRIMINAL RECORD CHECKS

The Department of Mental Health (DMH) is the licensing agency for Mental Health Rehabilitation Centers (MHRCs) and Psychiatric Health Facilities (PHFs). This DMH Information Notice is to inform affected parties of a recent state law change. Effective January 1, 2003, Assembly Bill 1454 requires criminal record background checks on specified key management personnel, contractors for services, and all facility employees, contract employees, and volunteers providing direct care services to clients, and is specific to the licensure requirements for the previously identified facilities.

Assembly Bill 1454, (Thomson), Chapter 642, Statutes of 2002, "...requires the DMH, prior to the initial licensure or first renewal of a license of any person to operate or manage MHRCs or PHFs, upon the employment of any direct care staff, as defined, and prior to the provision of services by a direct care contractor, to submit fingerprint images and related information pertaining to these persons to the Department of Justice for purposes of a criminal record check as prescribed."

This new legislation establishes Section 5405, Welfare and Institutions Code, requiring the Department, except under specified circumstances, to deny any application for any license, suspend or revoke any existing license, and disapprove or revoke any employment or contract for direct services, if the applicant, licensee, direct care staff person, or direct services contractor has been convicted of or incarcerated for specified crimes within the preceding 10 years at the time the application is submitted.

The department is working to develop and implement an operational procedure that will allow DMH to carry out requirements as mandated in AB 1454. As that process is



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completed, information will be forwarded to affected facilities that will detail procedures to follow for compliance with this new law.

If you have any questions or need additional information, as it is available, please contact Alfred Nicholls, Chief, Licensing and Certification at (916) 654-2647.

Sincerely,

(Original Signed By)

STEPHEN W. MAYBERG, Ph.D.
Director

Enclosure

cc: California Mental Health Planning Council
Chief, Program Policy and County Operations
California Association of Health Facilities
Mental Health Rehabilitation Centers Directors
Psychiatric Health Facilities Administrators

Surname Approval	AUTHOR	REVIEWER	REVIEWER	REVIEWER	REVIEWER	
Section: Program Compl. Div: L & C Phone: 4-2396	A. Nicholls Date:8/29/03	R. Lozano Date: 8/29/03	C. Hood Date: 8/29/03	S. Mayberg Date: 8/29/03		
File Name:		Control Number:				

SUBJECT: Criminal Record Checks

Mandated state law change effective January 1, 2003, relating to the licensure requirements of Mental Health Rehabilitation Centers (MHRC) and Psychiatric Health Facilities (PHF).