

ADDENDUM TO THE FINAL STATEMENT OF REASONS

Section 30-701(c)(6)

Current Section 30-701(c)(6) is renumbered to (c)(7) to accommodate the adoption of new Section 30-701(c)(4).

Section 30-776.411(f)

All County Letter 12-22, dated July 22, 2012 includes the process for applying for a general exception of an individual's exclusion as a provider based on a Tier 2 disqualifying conviction/incarceration.

Sections 30-776.411(l)(5)(B) and 30-776.463(a)(4)(A)1.

Pursuant to WIC section 12305.87(f)(2), "...[t]he department shall provide this information in a manner that protects the confidentiality and privacy of the criminal offender record information [CORI] search response." Additionally, WIC section 15660 allows CORIs to be provided to IHSS recipients. However, pursuant to Penal Code section 11081, no person or public agency can have access to a CORI unless such access is otherwise authorized by law. Thus, while recipients are authorized by law to receive the CORI, the recipient cannot share it with others who are not authorized, i.e. they must keep it confidential. The intent of 30-776.411(l)(5)(B) and 30-776.463(a)(4)(A)1. is to ensure that recipients and the county comply with this statutory obligation.

Sections 30-776.421(c) and (f)

After some consideration these sections are amended to remove the word "rules" as it is unnecessary.

Section 30-776.462(a)

Penal Code 11105(d) states: "Whenever an authorized request for state summary criminal history information pertains to a person whose fingerprints are on file with the Department of Justice and the department has no criminal history of that person, and the information is to be used for employment, licensing, or certification purposes, the fingerprint card accompanying the request for information, if any, may be stamped "no criminal record" and returned to the person or entity making the request." This is the "criminal record clearance" that is sent to the county by DOJ, informing them that the prospective provider has no felony convictions of record in the State of California.

These regulations provide that the prospective provider's criminal record can also be considered "cleared" if the prospective provider has not been convicted of crimes specified

under WIC section 12305.81(a) or 12305.87(b) or if he/she has been convicted of one of those crimes but the conviction or incarceration following the conviction was 10 years or more prior to his/her enrollment in the program. These provisions are stated directly in those two WIC sections.

Section 30-776.612

This section is amended to replace "applicant" provider with "prospective" provider. This is a nonsubstantive amendment. In response to testimony received "applicant" provider was replaced with "prospective" provider in Section 30-776.61 but it was inadvertently omitted from this subsection.