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July 20, 2012

ALL COUNTY LETTER (ACL) NO. 12-22

TO: ALL COUNTY WELFARE DIRECTORS
IN-HOME SUPPORTIVE SERVICES PROGRAM MANAGERS

SUBJECT: GUIDELINES AND PROCEDURES FOR GENERAL EXCEPTIONS
FOR EXCLUSIONARY CRIMES FOR IN-HOME SUPPORTIVE
SERVICES (IHSS) PROVIDERS

REFERENCE: ACL NO. 09-70, DATED OCTOBER 31, 2009
ACL NO. 11-12, DATED JANUARY 28, 2011

This ACL provides counties with information regarding the implementation of sections of Assembly Bill (AB) 1612 (Chapter 725, Statutes of 2010) relating to the establishment of guidelines and procedures for the submission and review of general exceptions for exclusionary crimes.

BACKGROUND

AB, Fourth Extraordinary Legislative Session (X4) 19 (Chapter 17, Statutes of 2009), amended or added sections 12301.6 and 12305.86 to the Welfare and Institutions Code (WIC) establishing new requirements for prospective IHSS providers. The expanded requirements included a provision that each applicant provider must submit fingerprints and undergo a criminal background check conducted by the California Department of Justice (DOJ). The county/Public Authority (PA)/Non-Profit Consortium (NPC) will evaluate the Criminal Offender Record Information (CORI) to determine the eligibility of the applicant provider to serve as an IHSS provider.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

Prior to the passage of AB 1612, the only crimes for which a provider could be disqualified from providing services to an IHSS recipient were those specified in WIC section 12305.81, also known as Tier 1 crimes, namely:

- Specified child abuse (Penal Code (PC) section 273a(a));
- Elder or Dependent Adult abuse (as specified under PC section 368);
- Fraud against a government health care or supportive services program.

AB 1612 added new provisions to California law which require that an individual, in order to pass the criminal background check, must not have been convicted of, or incarcerated following a conviction for, the following felony crimes as specified in WIC section 12305.87: a violent or serious felony as specified in PC sections 66735(c) and 1192.7(c); a felony offense for which a person is required to register as a sex offender pursuant to PC section 290(c); and a felony offense for fraud against a social services program as defined in WIC sections 10980(c)(2) and (g)(2). These crimes are also known as Tier 2 crimes and are considered to fall into the following six broad categories:

- Sex crimes for which a person is required to register as a sex offender pursuant to PC section 290(c);
- Physical crimes against a person;
- Crimes against property;
- Fraud and money crimes;
- Non-physical crimes against a person;
- Serious felonies not against a person or property.

An individual who, within the last ten years, has been convicted of, or incarcerated following a conviction for, one of the above crimes is ineligible to be enrolled as an IHSS provider without the granting of an individual waiver or general exception.

Upon determining that an applicant provider is ineligible to serve as an IHSS provider based on a Tier 2 criminal conviction, the county/PA/NPC shall inform the applicant provider of this determination and the reason for his or her ineligibility. The applicant provider will also be informed of his or her ability to file an appeal of this determination of ineligibility.

The recipient who has chosen this applicant provider will also receive a notice from the county/PA/NPC informing him or her of the applicant provider's ineligibility due to conviction for a Tier 2 crime via form SOC 852A (IHSS Program Notice to Provider Applicant of Provider Ineligibility Tier 2 Crimes) or SOC 858B (IHSS Program Notice to Provider of Provider Ineligibility Tier 2 Crimes Ineligibility—Subsequent Conviction).

The recipient will also be informed of his or her ability to file an individual waiver to allow that individual to work as an IHSS provider for him or her only, regardless of the Tier 2 criminal conviction.

Further, an applicant provider, who has been determined ineligible due to a Tier 2 criminal conviction, is also informed that he or she may file for a general exception of the exclusion. This ACL will provide a breakdown of the steps necessary for an applicant provider to apply for a general exception.

GENERAL EXCEPTION PROCESS

If an ineligible applicant provider chooses to request a general exception, he or she must complete the SOC 863 (IHSS Applicant Provider Request for General Exception) form and mail it to the California Department of Social Services (CDSS), Caregiver Background Check Bureau (CBCB), General Exception Unit (GEU). Since the general exception process requires the compilation and evaluation of all relevant information that would support the approval or denial of the request, the applicant provider is required to submit the following documentation with the SOC 863 to the CBCB, GEU:

- A copy of the SOC 852A (IHSS Program Notice to Applicant Provider of Provider Ineligibility—Tier 2 Crimes) stating the reason the applicant provider was found ineligible to serve as an IHSS provider;
- A copy of the applicant's SOC 426 (IHSS Program Provider Enrollment Form) which was completed and submitted to the county upon the applicant provider's initial application;
- Documentation (such as Court Minute Order, Judgment of Conviction, or letter from the Probation Department) showing that the applicant provider's current or last probation period was informal, if applicable;
- Description of, and verification (if available) of, any completed training, classes, treatment, counseling, or community services activities that would indicate rehabilitation or changed behavior. Such verification can include certificates, diplomas, letters from counselors, etc.;
- Evidence of an official pardon by the Governor, if applicable;
- Employment history of the applicant provider for the last ten (10) years;
- Copies of all police reports involving the disqualifying crime(s) for which the applicant provider was convicted or a letter from a law enforcement agency stating that the police report no longer exists;

- Three (3) signed SOC 865 (IHSS Request for Applicant Provider Reference) forms written on behalf of the applicant provider that include the following information:
 - a) How long this person has known the applicant provider;
 - b) How this person knows the applicant provider;
 - c) A Statement by this person indicating his or her opinion of the character of the applicant provider;
 - d) A description of any interaction witnessed or known by this person between the applicant provider and an individual who is elderly, blind, or disabled that the applicant provider assisted in some manner;
 - e) Any other comments that would describe the applicant provider's ability to work as an IHSS provider.

These reference statements must be dated after the date of the SOC 852A. The statements may be obtained from current employers, former employers, or any other persons of the applicant provider's choice; however, the applicant provider is restricted to only one reference from a family member;

- A personal signed statement from the applicant provider detailing the events surrounding the disqualifying crime(s) for which he or she has been convicted, including what happened, why it happened, how it happened, to whom it happened (description of victim, including, if known, gender, approximate age, physical characteristics, relationship to applicant provider, etc.) and any other relevant information about the disqualifying crime(s) or any other conviction(s).

WIC section 12305.87(e)(3) requires the CBCB, GEU to consider the following factors when determining whether to grant a general exception:

- The number of convictions and the time elapsed since the convictions;
- The nature and seriousness of the crime of which the individual was convicted, and how closely the crime relates to the duties and responsibilities of an IHSS provider;
- The circumstances surrounding the commission of the crime that would demonstrate unlikelihood of repetition;
- The extent to which the individual has complied with the terms of parole, probation, restitution, and any other conditions or sanctions;
- The individual's activities since conviction or release from incarceration that would demonstrate a change in behavior, such as participation in therapy, community service, education, etc.;

- Further evidence of rehabilitation, such as character references;
- The individual's employment history and recommendations of current and/or former employers, especially those from persons for whom the individual has provided supportive services or who wish to have the individual provide supportive services;
- The granting of a full and unconditional pardon by the Governor.

To assist in making the determination of whether to grant a general exception, the CBCB, GEU is authorized by WIC section 12305.87(e)(2) to request from the county/PA/NPC a copy of the applicant provider's CORI that the county received from the DOJ. The county is required to provide the CBCB, GEU with the unaltered and unmarked CORI in a manner which safeguards the confidentiality and privacy of the information.

If the SOC 865 form and all of the required documentation is included with the packet, an analyst with the CBCB, GEU will evaluate the information to determine if the applicant provider qualifies for a general exception. If all of the required documentation is not included with the packet, the CBCB, GEU will send the applicant provider the GE 5 (IHSS General Exception Incomplete Request) notice which states which documents are missing. The applicant provider is given ten (10) calendar days from the date of the notice to submit the documentation. If the missing paperwork is not resubmitted in that time, the case is considered closed.

If the general exception is approved, the CBCB, GEU will send a notification of the approval to the applicant provider as well as to the appropriate county/PA/NPC using the GE 1 (IHSS General Exception Approval—Applicant Provider) notice.

If the general exception is denied, the CBCB, GEU will send the applicant provider the GE 2 (IHSS General Exception Denial—Applicant Provider) notice via registered mail. The GE 2 notice will state the reason(s) for denial. The notice will also explain the appeals process. The CBCB, GEU will also send a copy of the applicant provider's CORI in a manner which safeguards the security of the document's contents even if the applicant provider has previously received a copy after his or her initial denial of eligibility as an IHSS provider.

GENERAL EXCEPTION APPEALS PROCESS

Following the written notification of the general exception denial, the applicant provider may appeal the denial by requesting an administrative hearing. The applicant provider must submit a written appeal request within fifteen (15) business days of the receipt of the GE 2 notice. The applicant provider will send the written appeal request to the CBCB, GEU which will acknowledge the receipt of the appeal request within five (5) business days by sending a GE 3 (IHSS General Exception Acknowledgement of Appeal) notice to the applicant provider. The applicant provider should not submit an SOC 856 (To Request Appeal of Provider Enrollment Denial) for the appeal request for a general exception denial as this form is used only for provider enrollment denials.

An administrative hearing will be conducted by an administrative law judge (ALJ) from the Department of General Services' Office of Administrative Hearings (OAH). The CBCB, GEU will be responsible for preparing the Statement of Facts forms (SOC 871 and SOC 872), which provide information for the ALJ that supports the general exception denial. Following the hearing, the decision will be sent to the applicant provider via certified mail by the OAH. A copy of the decision will also be sent to the county/PA/NPC. If the appeal overturns the applicant provider's denial and requires the CBCB, GEU to file the general exception, this decision will be noted in Case Management, Information & Payrolling System (CMIPS).

SUBSEQUENT CONVICTION

The DOJ shall send the county/PA/NPC any subsequent arrest information for any IHSS providers, including those that have been granted a general exception or have had a general exception appeal approved, in its jurisdiction, unless notified otherwise. It is the responsibility of the county/PA/NPC to contact the local District Attorney's office to find out if any of the subsequent arrests led to convictions that disqualify the individual as an IHSS provider.

A subsequent conviction for a disqualifying crime under WIC section 12305.81 (Tier 1 crime) or section 12305.87 (Tier 2 crime), following the approval of a general exception, will result in the termination of enrollment as an IHSS provider and termination of the provider's inclusion on the IHSS provider registry. The county/PA/NPC will send the provider a notice (SOC 858A (Notice to Provider of Provider Ineligibility—Tier 1 Crimes Ineligibility—Subsequent Conviction) or SOC 858B (Notice to Provider of Provider Ineligibility—Tier 2 Crimes Ineligibility—Subsequent Conviction)) informing the provider that, effective twenty (20) calendar days from the date of that notice, the provider will no longer be eligible for payment by the IHSS program. The county/PA/NPC will also send the recipient a notice (SOC 859A (Notice to Recipient of Provider Ineligibility—Tier 1 Crimes Ineligibility—Subsequent Conviction) or SOC 859B (Notice to Recipient of Provider Ineligibility—Tier 2 Crimes Ineligibility—Subsequent Conviction)) informing the

recipient that, effective twenty (20) calendar days from the date of that notice, his or her IHSS provider will be ineligible to receive payment from the IHSS program.

If the subsequent conviction is for a Tier 1 crime, the provider will be informed that an individual waiver request and/or general exception request cannot be granted for this type of crime.

If the subsequent conviction is for a Tier 2 crime, the county/PA/NPC will notify the provider of his or her right to appeal the ineligibility determination, via completion of a form SOC 856 (To Request Appeal of Provider Enrollment Denial) and also that the provider has the ability to file a general exception request addressing the subsequent convictions or, alternatively, the provider may be allowed to continue to work for a specific recipient if that recipient files form SOC 862 (IHSS Recipient Request for Provider Waiver) with the county/PA/NPC to request an individual waiver for the new conviction.

EFFECTIVE DATE

Pursuant to WIC section 12305.87, the policies being implemented through this ACL became effective February 1, 2011, and apply to all applicant providers who were denied enrollment as an IHSS provider due to a conviction for a disqualifying felony crime (Tier 2 crime), as defined under WIC section 12305.87(b).

CAMERA READY COPIES AND TRANSLATIONS

For a camera-ready copy in English, contact the Forms Management Unit at fmudss@dss.ca.gov. If your office has internet access you may obtain these forms from the CDSS webpage at <https://www.cdss.ca.gov/inforesources/forms-brochures>. For questions on translated materials, please contact Language Services at (916) 651-8876. Until translations are available, clients who have elected to receive Spanish, Armenian, and written Chinese materials should be sent the GEN 1365 interpretation informing notice with a local contact number.

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Should you have any questions regarding the general exception process, please contact the Adult Programs Policy, Legislation & Litigation Unit at (916) 651-5350.

Sincerely,

Original Document Signed By:

EILEEN CARROLL
Deputy Director
Adult Programs Division

Attachments

**EVALUATOR MANUAL FOR GENERAL EXCEPTION
IN-HOME SUPPORTIVE SERVICES PROGRAM—BACKGROUND CHECK PROCESS**

A-0000 Introduction – Caregiver Background Check Bureau, General Exception Unit

The Caregiver Background Check Bureau, General Exception Unit (CBCB, GEU) is established to meet the statutory requirements of Welfare and Institutions Code (WIC) section 12305.87. WIC section 12305.87(b) establishes a list of crimes for which a conviction, or incarceration following a conviction, within the last ten (10) years would exclude an individual from being enrolled as an In-Home Supportive Services (IHSS) provider. However, WIC section 12305.87(e) establishes a provision which will permit an individual, under certain circumstances, to be enrolled as an IHSS provider by means of a general exception regardless of a conviction for an exclusionary crime.

The CBCB, GEU reviews the application for general exception and all of the paperwork required to be submitted by the applicant provider with the application, along with the criminal history information provided by the California Department of Justice (DOJ), and considers the following factors when deciding to grant or deny a general exception for an IHSS applicant provider:

1. The nature and seriousness of the crime(s) and the connection to the duties and responsibilities of an IHSS provider.
2. Activities since conviction, including (but not limited to) employment, participation in therapy, education, or community service that would show a positive change in the applicant provider's behavior.
3. The number of convictions and the time that has passed since the conviction(s).
4. The extent to which the applicant provider has met the terms of parole, probation, restitution, or other penalty imposed.
5. Any evidence of rehabilitation; this includes character references submitted by others.
6. The applicant provider's employment history and current or past employer recommendations. Additional consideration shall be given to employer recommendations provided by a person who has received or has indicated a desire to receive supportive or personal care services from the applicant provider.
7. Information about involvement in previous crime(s) that would explain why the applicant provider is unlikely to repeat an offense.
8. The Governor's full and unconditional pardon.

It is the responsibility of the CBCB, GEU to determine whether to grant or deny a general exception for IHSS program applicant providers. To assist in making the determination of whether to grant a general exception, the CBCB, GEU is required by statute (WIC section 12305.87(e)(2)) to request from the county/Public Authority (PA)/Non-Profit Consortium (NPC) an unaltered and unmarked copy of an applicant's Criminal Offender Record Information (CORI) that the county/PA/NPC received from the DOJ.

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A-1000 Criminal Offender Record Information

The CORI is a document provided by the DOJ in response to a request for a criminal record review initiated by the submission of fingerprints.

For initial inquiries, the CORI will contain the individual's convictions for any violation of a criminal offense as specified in WIC section 15660(a) and any arrest for a violation or attempted violation of a criminal offense as specified in WIC section 15660(a) for which the individual is presently awaiting trial. The CORI will have this information only if the conviction occurred within the last ten years or if the conviction occurred over ten years ago but the individual was still incarcerated within the last ten years. However, for purposes of determining the applicant provider's qualification for IHSS provider status, only those crimes which would disqualify the individual under WIC section 12305.87(b) will be considered by the CBCB, GEU. For further information, see ACL 10-05 (released February 17, 2010).

The exclusionary crimes, as specified in WIC Section 12305.87(b), include the following:

1. A violent or serious felony, as specified in Penal Code (PC) sections 667.5(c) and 1192.7(c);
2. A felony offense for which a person is required to register as a sex offender pursuant to PC section 290(c); and
3. A felony offense for fraud against a public social services program, as defined in WIC sections 10980 (c)(2) and (g)(2).

WIC section 12305.87 does not permit a general exception based on a conviction for an exclusionary crime as specified in WIC section 12305.81.

A-1100 General Exception

- a. What is a general exception?

A general exception is a decision made by the California Department of Social Services (CDSS) that “exempts” an applicant provider from being denied eligibility as a provider based on conviction of a particular felony, as set forth in WIC section 12305.87(b).

- b. Who qualifies for a general exception?

An individual who has applied to be a provider in the IHSS program, who has been denied eligibility due to conviction of a felony crime as set forth in WIC section 12305.87(b), may be eligible for a general exception.

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A general exception may be granted if the individual shows the CBCB, GEU by a preponderance of evidence, that there is a reasonable belief that the individual is of good character and is not a threat to the well-being of the recipient for whom he or she provides services.

A-1110 Evaluation of General Exception

General exception documentation must be evaluated based on the criteria contained in WIC section 12305.87.

The CBCB, GEU decision to approve or deny a general exception must be based upon a comprehensive review of all submitted documentation.

To approve a general exception, the CBCB, GEU analyst must evaluate the possibility of potential risk or threat to IHSS recipients left in the care of the applicant provider. Factors such as lack of remorse, honesty, integrity, or education, etc., are not automatic grounds for denial if there is other substantial and convincing evidence to grant a general exception, although such issues may be considered in relation to whether or not there has been rehabilitation. In all cases, the rationale for the approval or denial decision must be thoroughly documented in writing in the case file. The analysis must be based on objective facts, not on impressions or other non-objective criteria.

a. Submission of Form

Upon receipt of a CORI that includes a felony conviction that would disqualify the applicant provider from acting as an IHSS provider, the applicant provider is sent a notice by the county/PA/NPC informing him or her of the disqualification and must include the specific disqualifying crimes. Included with this notice will be information explaining how that individual would request a general exception that, if approved, would allow him or her to act as an IHSS provider. This information will include an SOC 863 (IHSS Applicant Provider Request for General Exception) which the applicant provider must submit with the required documentation to the CBCB, GEU for evaluation.

b. Required Documentation

The general exception process requires the compilation and evaluation of all relevant information that would support the approval or denial of the general exception request. A decision to grant or deny a general exception can only be made after all submitted documentation has been reviewed.

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The general exception request packet must include all the following information:

- The written request for general exception from the applicant provider (SOC 863);
- A copy of the denial notice (SOC 852A (IHSS Notice to Applicant Provider of Provider Ineligibility—Tier 2 Crimes)) stating the reason that the applicant provider was found ineligible to act as an IHSS provider;
- A copy of the SOC 426 (IHSS Program Provider Enrollment Form) which was completed and submitted to the county/PA/NPC upon the applicant provider's initial application;
- Documentation (such as Court Minute Order, Judgment of Conviction, or letter from the Probation Department) showing that his or her current or last probation period was informal, if applicable;
- Description and verification (if available) of any completed training, classes, treatment, counseling, or community service activities that would indicate rehabilitation or changed behavior. Provide verification of completion (i.e. certificates, diplomas, etc.) if possible;
- Evidence of an official pardon by the Governor, if applicable;
- Employment history of the applicant provider for the last ten (10) years;
- Copies of all police reports involving the disqualifying crime(s) for which the applicant provider was convicted or a letter from a law enforcement agency stating that a report no longer exists. However, if a law enforcement jurisdiction issues a statement that the report is unavailable, a general exception should not be denied solely on the basis of the report being unavailable;
- Three (3) signed SOC 865 (IHSS Request for Applicant Provider Reference) forms written on behalf of the applicant provider that include the following information:
 - a) How long this person has known the applicant provider;
 - b) How this person knows the applicant provider;
 - c) A statement by this person indicating his or her opinion of the character of the applicant provider;
 - d) A description of any interaction witnessed or known by this person between the applicant provider and an individual who is elderly, blind, or disabled that the applicant provider assisted in some manner;
 - e) Any other comments that would describe the applicant provider's ability to work as an IHSS provider.

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The reference statements must be obtained and dated after the date of the denial notice (SOC 852A). The reference statements may be completed by current or former employers or any other persons of the applicant provider's choice. However, the applicant provider is limited to only one reference from a family member.

- A personal signed statement from the applicant provider detailing a description of the events surrounding the disqualifying crime(s) for which he or she has been convicted, including what happened, why it happened, how it happened, to whom it happened (description of victim, including, if known, gender, approximate age, physical characteristics, relationship to victim, etc.), and any other relevant information about the disqualifying crime(s). The same must be done for any other conviction(s). The CBCB, GEU analyst will use a copy of the official arrest report to assess the accuracy of the information in the applicant's statement.

If all of the required documentation is not included with the applicant provider's submission, the CBCB, GEU analyst may contact the applicant provider directly via telephone to address the missing documents. The analyst must also send a GE 5 (IHSS General Exception Incomplete Request) stating which documents are missing even if the analyst has contacted the applicant provider by telephone. The applicant provider has ten (10) calendar days from the date of the GE 5 to submit the missing documentation. If the paperwork is not resubmitted in that time frame, the case will be closed. Send the case closure notice (GE 6) to the applicant provider informing him or her of the decision. The analyst must also send a county case closure notice (IHSS County Notice 3) to the county/PA/NPC to place in the applicant provider's file. After the case is closed, if the applicant provider wishes to act as an IHSS provider, he or she will have to begin the general exception process again.

A-1115 Factors to consider when evaluating general exception requests

Several factors must be considered when evaluating a general exception request. These factors are broken down into four main categories:

- Crime Type
- Time Period Since End of Incarceration/Probation/Parole
- Criminal History (including subsequent convictions)
- Rehabilitation

Crime Type

Review each conviction closely to confirm that the individual was actually convicted of a disqualifying crime. Review the action section of the CORI (right hand column) to determine if the convictions that led to disqualification were for misdemeanors or felonies. WIC section 12305.87 lists felonies that may disqualify an individual from

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acting as an IHSS provider (see Appendix D for a list of many PC sections that could count as disqualifying felony crimes under WIC section 12305.87).

Keep in mind that some of these listed PC sections can be misdemeanors, which would not be disqualifying under the statute. A felony will be identified on the CORI as such or may be identified by the imposed sentence of confinement in state prison. A misdemeanor crime will be identified on the CORI as such or may be identified by the imposed sentence of confinement in a county jail and/or a fine. If the crime is one which may be either a felony or a misdemeanor, reviewing the imposed sentence can often give direction in determining whether the applicant provider was properly denied qualification.

When reviewing the convictions, be sure to compare the PC section for convictions on the CORI to the PC sections set forth in the list of disqualifying crimes to ensure that the individual was actually convicted of a disqualifying crime and not a similar, but non-disqualifying, crime. If the crime does not appear on the list, the CBCB, GEU analyst will need to take appropriate steps to ensure that the conviction is qualifying, as the list is non-exclusive.

If the applicant provider was convicted of a crime that should not have disqualified him or her from providing services as an IHSS provider, the entire general exception packet, except for the CORI, should be forwarded to the Provider Enrollment Appeals Unit (PEAU) for processing as an appeal request with the appropriate memo (IHSS State Memo 1).

There are six general categories of disqualifying crimes under WIC Section 12305.87.

- a) Sex Crimes (i.e. rape or possession of child pornography)
- b) Physical Crimes against the person (i.e. murder or assault)
- c) Crimes Against Property (i.e. arson)
- d) Non-Physical Crimes against the person (i.e. burglary)
- e) Fraud and Money Crimes (i.e. welfare fraud or food stamp fraud)
- f) Serious felonies not against person or property (i.e. street gang participation)

In addition, several other factors should be considered when evaluating the initial conviction during the general exception analysis process:

Violent vs. Non-Violent Felonies

Crimes that result in harm, or risk of harm, to another individual (such as sex crimes and physical crimes against the person—both of which should be considered violent felonies on their face) are to be regarded as more serious than crimes that primarily involve property.

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Any general exception request from an individual convicted of a felony that appears to indicate that he or she engaged in violent conduct, based upon the nature of the crime or the underlying arrest report, should be carefully scrutinized. Generally, it should be presumed that an individual convicted of a violent felony is not of such good character as to justify the issuance of a general exception. However, this is a rebuttable presumption if the individual presents substantial and convincing evidence of rehabilitation.

Keep in mind that certain crimes which may appear to be non-violent on their face (i.e. arson) may have actually involved the threat or risk of violence to others. Assess the risk through a review of the arrest reports (if available) and the underlying arrest information.

If, after a review of the crime report or court documents, it is still unclear as to whether the crime involved violence, it may be appropriate to discuss the evidence in the report with the CBCB consulting attorney.

Nature and Severity of Violence (if violent felony)

With violent felonies, the nature and severity of the violent action should be evaluated as part of the general exception criteria. If the “violent” crime did not result in any injury, or included a threat rather than an actual act of violence, then the individual’s conviction should be evaluated based upon the severity of the action or threat, the likelihood of potential harm (including whether a weapon was used), and whether there was provocation that led to the act. If the act or threat of violence was determined to be minimal, the time period since conviction, incarceration, or parole/probation may be reduced as appropriate.

Sex Offenses

Sex offenses, which are those disqualifying crimes that fall under PC section 290(c), are considered especially heinous and should be evaluated under the harshest scrutiny possible, regardless of the level of violence or threat of violence. Sex offenses in which no direct violent act or threat of a violent act is involved (such as possession of child pornography) are to be evaluated under the strictest guidelines possible.

Characteristics of Victim

Special attention should be paid to crimes that involve the victimization of a vulnerable person. A felony conviction is to be considered particularly serious if the victim was a vulnerable individual (child, elderly, disabled) as this is a primary attribute of the recipients within the IHSS program. Those individuals with disqualifying criminal convictions who target individuals with these attributes must be able to demonstrate overwhelming evidence of rehabilitation before being granted a general exception to care for the individuals within the IHSS program.

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Time Period Since End of Incarceration/Parole/Probation

For each category of felony conviction, there are minimum time frames following incarceration, supervised probation, or parole that must lapse before a general exception should be approved unless the applicant provider presents compelling evidence of rehabilitation.

If the applicant provider's criminal history meets all of the applicable criteria specified below and the applicant provider submits substantial and convincing evidence of good character and rehabilitation, a general exception may be considered with Bureau Chief (or designee) approval.

- a) Sex Crimes—The applicant provider has not received more than one disqualifying conviction in the last ten years and at least eight consecutive years have passed since completing the most recent period of incarceration, parole, or probation for a felony criminal conviction in this category.
- b) Physical Crimes Against the Person—The applicant provider has not received more than one disqualifying conviction in the last ten years and at least eight consecutive years have passed since completing the most recent period of incarceration, parole, or probation for a felony criminal conviction in this category.
- c) Crimes Against Property or Money/Fraud Crimes—The applicant provider has not received more than two disqualifying convictions in the last ten years and at least six consecutive years have passed since completing the most recent period of incarceration, parole, or probation for a felony conviction in this category.
- d) Non-Physical Crimes Against the Person or Serious Felonies Not Against Person or Property—The applicant provider has not received more than two disqualifying convictions in the last ten years and at least four consecutive years have passed since completing the most recent period of incarceration, parole, or probation for a felony conviction in this category.

The criteria above can also be found in chart format in Evaluator Manual Section A-1120.

In a situation where the ten-year time frame has lapsed due to the processing time for the general exception, the CBCB, GEU analyst shall forward the general exception request and all accompanying documentation to the PEAU for processing with the appropriate memo (IHSS State Memo 1).

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Criminal History

In evaluating general exception requests, it is important to determine if any subsequent convictions (regardless of severity of conviction) have occurred in the applicant provider's background and if these subsequent convictions indicate a pattern of criminal behavior that would make this individual a risk to the safety and well-being of IHSS recipients under his or her care.

Carefully review the CORI and all arrest or crime reports available. The WIC and these guidelines require that subjects seeking general exceptions provide a copy of the specific arrest or crime report(s) for all disqualifying convictions. If the report has been purged or, for whatever reason, cannot be released, the applicant provider must submit a statement from the law enforcement jurisdiction stating that the report is not available.

Examine the CORI and police reports for the following information:

- Is there a pattern of repeat violations? If the subject meets the time frames detailed in section A-1120 and is eligible for a general exception, review the pattern of other offenses and the time elapsed between convictions. Applicant providers with convictions for a series of similar crimes must show a significant successful effort to change behavior.
- If there is a pattern of violations (regardless of crime type), do the applicant provider's convictions demonstrate a pattern which may be detrimental to the health and welfare of the IHSS recipients for whom this applicant provider may be providing service?
- Examine the victim characteristics in all previous and subsequent convictions. Is there a particular victim type the applicant provider appears to target for criminal activity? Would this pattern indicate that the applicant provider targets vulnerable individuals (children, elderly, disabled) that would make placing such individuals in the applicant provider's care dangerous?
- At what age was the applicant provider when the crimes were committed?
- Was the applicant provider under the influence of any substance (alcohol, drugs, etc.) that could have caused impaired judgment? If so, is there any documentation that the applicant provider has taken steps to control his or her substance abuse problems (drug rehabilitation, Alcoholics Anonymous)?

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Rehabilitation

Examine the documentation submitted with the general exception request to determine if the applicant provider has engaged in successful rehabilitation and has made a substantial and determined effort toward maintaining “good character” and changed behavior:

- Education—Has the applicant provider pursued any educational goals? Has the applicant provider been consistent towards this pursuit (i.e. attending classes regularly, maintaining good grades, etc.)? If the applicant provider has not pursued any educational goals, was there a reason he or she was unable to do so?
- Employment—Has the applicant provider been gainfully employed since incarceration? Has he or she maintained good employment habits (i.e. good work ethic, showing up for work on-time, etc.)?
- Community Service—Has the applicant provider performed any mandatory or voluntary community service? Was he or she required to make any sort of restitution as a result of the conviction? What is the status of this restitution?
- Therapy—Has the applicant provider participated in or completed therapy? Such therapy includes both psychological therapy as well as specialized therapy, such as substance abuse counseling, domestic violence counseling, anger management, Alcoholics Anonymous, Narcotics Anonymous, etc. Was this counseling or therapy court ordered or voluntary?
- Governor’s Pardon—Does the applicant provider possess a Governor’s Pardon? If yes, the conviction specified in the pardon does not require a general exception. A copy of the pardon should be reviewed, however, to ensure that it covers all of the applicant provider’s disqualifying convictions. If the pardon does not identify all of the disqualifying convictions, the applicant provider may still be required to submit a general exception application for any remaining disqualifying convictions not covered under the pardon.
- Certificate of Rehabilitation—In accordance with WIC section 12305.87(c), if the provider applicant has obtained a certificate of rehabilitation (under Chapter 3.5 [commencing with section 4852.01] of Title 6 of Part 3 of the PC) for the disqualifying crime of which he or she has been convicted or the conviction has been dismissed pursuant to PC section 1203.4, he or she is eligible to be enrolled as an IHSS provider if all other provider enrollment requirements have been met.

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- Applicant Provider’s Written Statement—Review the written statement of the applicant provider regarding his or her disqualifying conviction.
 - Is the applicant provider honest in his or her evaluation of the circumstances and criminal behavior that led to his or her conviction?
 - Does the written statement accurately reveal the applicant provider’s criminal history?
 - Has he or she honestly revealed the circumstances surrounding the commission of the crime?
 - Does his or her explanation support or contradict the arresting officer’s report?
 - Has he or she accepted responsibility for his or her actions in this regard and demonstrated genuine remorse for the crime(s) of which he or she was convicted?

Failure of the applicant provider to provide truthful statements in his or her written statement may be grounds for denial of the general exception. However, before denying a case solely on this basis, attempt to determine if the applicant provider reasonably forgot or misunderstood the circumstances or events surrounding the crime(s). Obvious attempts to hide a criminal history, however, particularly if it involves denying the existence of recent conviction history, can and should form the basis of a general exception request denial.

- Character References—Carefully review all character references.
 - The references must be on an SOC 865 (In-Home Supportive Services (IHSS) Request for Applicant Provider Reference).
 - The references must be complete and legible.
 - Only one of the references can be from a family member.
 - Greater weight should be given to references from employers, probation officers, etc.

Failure to submit character reference letters may result in a general exception denial. Applicant providers may submit more than three character reference letters and all submitted letters should be read and evaluated. Although the submission of three reference letters is the

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standard, the CBCB, GEU analyst has discretion to approve a general exception request when the applicant provider submits fewer than three character reference letters provided sufficient evidence of rehabilitation exists.

A-1120 General Exception Decision Chart

Sex Crimes	Physical Crimes Against a Person	Property or Fraud/Money Crimes	Non-Physical Crimes Against a Person or Serious Felonies Not Against Person or Property
No more than 1 conviction	No more than 1 conviction	No more than 2 convictions	No more than 2 convictions
8 consecutive years have passed since <u>completing</u> the most recent period of incarceration, parole, or probation.	8 consecutive years have passed since <u>completing</u> the most recent period of incarceration, parole, or probation.	6 consecutive years have passed since <u>completing</u> the most recent period of incarceration, parole, or probation.	4 consecutive years have passed since <u>completing</u> the most recent period of incarceration, parole, or probation.
Any exception to the time period must be approved by the Branch Chief (or designee)	Any exception to the time period must be approved by the Branch Chief (or designee)	Any exception to the time period must be approved by the Branch Chief (or designee)	Any exception to the time period must be approved by the Branch Chief (or designee)

A-1200 Notification of General Exception Decision

The CBCB, GEU is authorized to approve or deny a general exception request by an applicant provider to be eligible for payment as an IHSS provider.

The CBCB, GEU will use the following procedures when notifying an applicant provider of the general exception request decision.

Approval

Following the evaluation of the SOC 863 (IHSS Applicant Provider Request for General Exception) and required documentation submitted by the applicant provider, the CBCB, GEU will send a GE 1 (IHSS General Exception Approval—Applicant Provider) to the applicant provider and the IHSS County Notice 1 (IHSS General Exception Approval—County/PA/NPC) to the appropriate county/PA/NPC.

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Denial

Notification of the general exception denial involves the following:

- The applicant provider shall receive the GE 2 (IHSS General Exception Denial—Applicant Provider), via registered mail from the CBCB, GEU. The notice will state the reason(s) for the denial that address(es) the issue of rehabilitation and all other evidence submitted by the applicant provider with form SOC 863 as required above in Section A-1110(b). The notice will also explain the appeal process (see Section A-1300, Appeal of General Exception Denial). The IHSS County Notice 2 (IHSS General Exception Denial—County/PA/NPC) will be sent to the appropriate county/PA/NPC informing that office of the denial of the applicant provider's general exception request.
- The CBCB, GEU will send a copy of the applicant provider's CORI to the applicant provider. This will be done even if the applicant provider has previously received a copy.

Release of the CORI

In order to release the CORI to the proper individual and in order to protect the confidentiality and privacy of the applicant provider's CORI, the following conditions must be met:

- The CBCB, GEU is in receipt of the applicant provider's written, dated, and signed SOC 863 and the supporting documents, as requested on the SOC 863.
- The CBCB, GEU has received an unaltered, unmarked version of the CORI from the county/PA/NPC.
- The CBCB, GEU may provide a copy of the CORI only to the applicant provider.
- The CBCB, GEU shall retain copies of the SOC 863 and the dated decision letter that were sent to the applicant provider.

Following the general exception denial decision, the CBCB, GEU, will record the date the denial was provided to the applicant provider and to the County/PA/NPC.

The CBCB, GEU, will maintain the applicant provider's CORI until the date the convictions, which are the subject of the general exception, are no longer within the 10-year period following a conviction for, or incarceration following a conviction for, crimes included in WIC Section 12305.87(b). (Also, see Section A-1500, CORI Retention).

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A-1300 Appeal of General Exception Denial

Following the written notification of the general exception denial (GE-2), the applicant provider may appeal the denial by requesting an administrative hearing. The applicant provider shall submit the appeal request by submitting a written request and a copy of the GE-2 within 15 business days of receipt of the denial notice (as per WIC section 12305.8(g)(1)). The applicant provider will send the appeal request to the CBCB, GEU. An administrative hearing will be conducted by an administrative law judge from the Department of General Services' Office of Administrative Hearings.

When the appeal request is received, it will be date-stamped with the receipt date by the CBCB, GEU. The CBCB, GEU will acknowledge receipt of the applicant provider's appeal request within five (5) business days by sending a GE-3 (IHSS General Exception Acknowledgement of Appeal) to the applicant provider.

The CBCB, GEU is responsible for preparing the Statement of Facts forms (SOC 871 and SOC 872), which provide the facts for the hearing that support the general exception denial, thereby excluding the applicant provider from being eligible for payment as an IHSS provider. The CBCB, GEU will then forward the case file, with the Statement of Facts, to the CDSS Legal Division.

Following the hearing, the Community Care Licensing (CCL) Division, Enforcement Unit, will provide a copy of the proposed decision to the CBCB, GEU analyst as well as to the CDSS Legal Division, the county/PA/NPC, and the applicant provider.

A-1400 Subsequent Conviction

Termination of Enrollment

A subsequent conviction for a disqualifying crime under WIC Section 12305.87(b), following the approval of a general exception, will result in the termination of enrollment as an IHSS provider and termination of inclusion on the IHSS provider registry. Form SOC 858B will be sent to the provider to notify him/her that, effective twenty (20) calendar days from the date of that notice, the provider will no longer be eligible for payment by the IHSS program. Form SOC 859B will be sent by the county/PA/NPC to the recipient to notify him or her that, effective twenty (20) calendar days from the date of that notice, his or her IHSS provider will be ineligible to receive payment by the IHSS program. The provider is also notified at that time of his or her right to appeal his or her ineligibility of being an IHSS provider.

The terminated provider may request a second general exception, concerning the subsequent convictions for crimes addressed under WIC section 12305.87. Alternatively, the provider may be allowed to work for a specific recipient if that recipient files an SOC 862 (IHSS Recipient Request for Provider Waiver) to request an individual waiver.

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A subsequent conviction for a Tier 1 disqualifying crime under WIC section 12305.81 will also result in the termination of enrollment as an IHSS provider and termination of inclusion on the IHSS provider registry even if a general exception has been previously granted for a disqualifying Tier 2 crime under WIC section 12305.87. Form SOC 858A (IHSS Program Notice to Provider of Provider Ineligibility Tier 1 Crimes Ineligibility—Subsequent Conviction) will be sent by the county/PA/NPC to the provider to notify him or her that, effective twenty (20) calendar days from the date of that notice, the provider will no longer be eligible for payment by the IHSS program. Form SOC 859A (IHSS Program Notice to Recipient of Provider Ineligibility Tier 1 Crimes Ineligibility—Subsequent Conviction) will be sent by the county/PA/NPC to the recipient to notify him or her that, effective twenty (20) calendar days from the date of the notice, his or her IHSS provider will be ineligible to receive payment by the IHSS program. Providers cannot appeal the termination of enrollment due to a conviction of a disqualifying crime under WIC section 12305.81. An individual waiver request and/or general exception request will not be granted.

A-1500 CORI Retention

The CORI shall not be modified or altered from its form or content as provided by the DOJ.

The CBCB, GEU shall retain a copy of each individual's CORI until the date that the convictions that are the subject of the exception are no longer within the ten-year period specified in WIC section 12305.87(f)(2)(B).

This page has been removed as it no longer accurately reflects the table of contents.

The Attachments originally included with this letter are outdated and have been removed. To access the current version of these Attachments, click the following links:

[SOC 863—IHSS Applicant Provider Request for General Exception](#)

[SOC 865—IHSS Request for Applicant Provider Reference](#)

[SOC 871—IHSS Statement of Facts Summary Sheet](#)

[SOC 872—IHSS Statement of Facts Preparation Checklist](#)

**EVALUATOR MANUAL FOR GENERAL EXCEPTION
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APPENDIX A

ACRONYMS

CBCB—Caregiver Background Check Bureau

CCL—Community Care Licensing (Division)

CORI—Criminal Offender Record Information

GEU—General Exception Unit

IHSS—In-Home Supportive Services

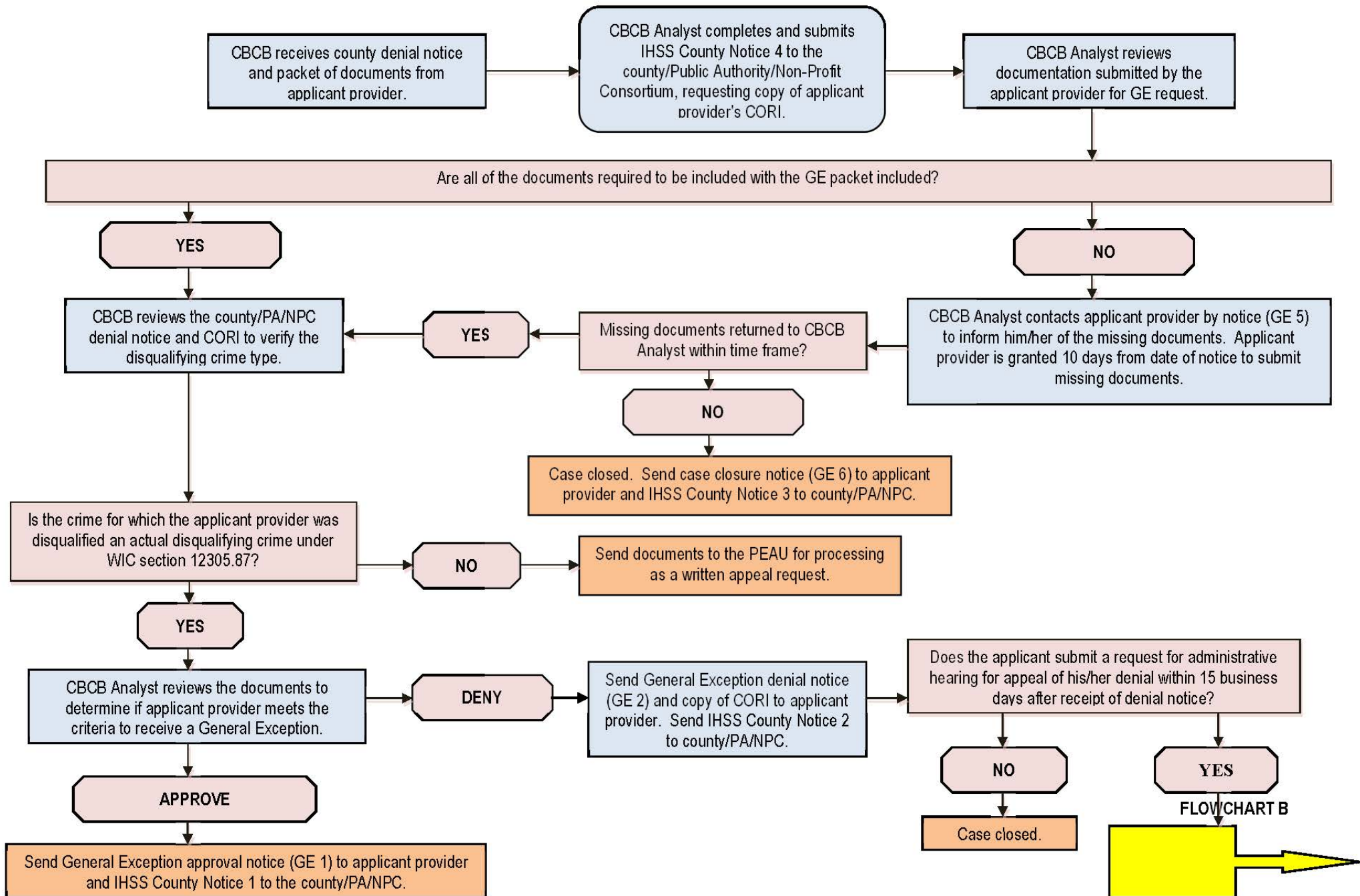
NPC—Non-Profit Consortium

PA—Public Authority

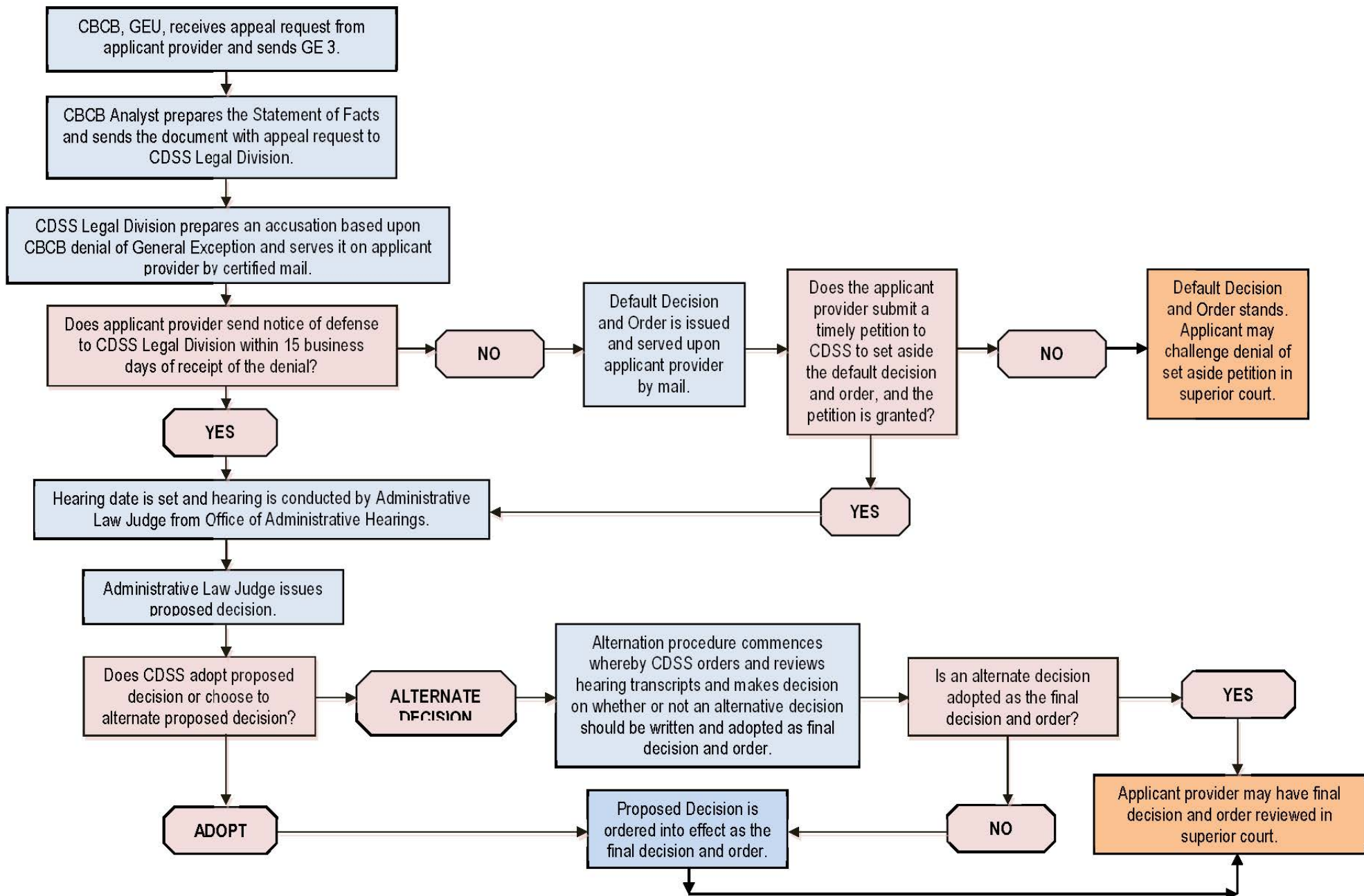
PC—Penal Code

WIC—Welfare & Institutions Code

IN-HOME SUPPORTIVE SERVICES (IHSS) GENERAL EXCEPTION PROCESS



IN-HOME SUPPORTIVE SERVICES (IHSS) GENERAL EXCEPTION APPEAL AND HEARING PROCESS



TIER 1 EXCLUSIONARY CRIMES

Pursuant to Welfare and Institutions Code (WIC) Section 12305.81

- The statutes cited in WIC 12305.81 are Penal Code (PC) 273a(a) and PC 368 and Fraud against a Medicare, Medicaid, or Title V, Title XX, or Title XXI of the Social Security Act.
- A conviction for any of the crimes set forth in WIC 12305.81, regardless of whether the conviction was for a felony or a misdemeanor, disqualifies an applicant provider from working as an IHSS provider.
- An individual disqualified under WIC 12305.81 is not eligible for an individual waiver or general exception.

CODE SECTION	TITLE	PLAIN ENGLISH
PC 273a(a)	Child abuse	Causing a child to suffer undue physical pain or mental suffering, either directly through the person's own actions or indirectly by allowing the child to be placed into a situation in which his or her person or health is endangered.
PC 368	Elder or dependent adult abuse	Causing an elderly or dependent adult to suffer undue physical pain or mental suffering, either directly through the person's own actions or indirectly by allowing the elderly or dependent adult to be placed into a situation in which his or her person or health is endangered.
Fraud of Medicare, Medicaid, or services Provided under Title V, Title XX, or Title XXI of the Social Security Act	Fraud against a government health care or supportive services program	Attempt to obtain money and/or services by a fraudulent manner from a federal, state, or local health care or supportive services program.

APPENDIX D

TIER 2 EXCLUSIONARY CRIMES

Violent or Serious Felonies, Offenses Requiring Registration as a Sex Offender and Felony Offenses for Fraud Against a Public Social Services Program Pursuant to Welfare and Institutions Code (WIC) Section 12305.87

- The statutes cited in WIC 12305.87 are Penal Code (PC) 290(c), PC 667.5(c), PC 1192.7(c), WIC 10980(c)(2) and WIC 10980(g)(2).
- The column “CODE SECTION” refers to PC sections referenced in the PC statutes listed above.
- If two or more PC sections list an offense, only the offense with the broader application is referenced in the “code section” column.
- When reviewing the crime type to determine if the applicant provider was correctly determined ineligible, remember that the criminal conviction must be a felony conviction in order to be disqualifying. Felony convictions will be identified as such on the CORI or will be indicated by an imposed sentence of confinement in a state prison. Misdemeanor convictions (which are non-disqualifying) will be identified as such on the CORI or will be indicated by an imposed sentence of confinement in a county jail and/or a fine.
- This is not a comprehensive list of all disqualifying crimes under the above-cited code sections. Some county district attorney's offices may use different code sections to convict an individual of a disqualifying crime. Thus, if a crime appears to meet the plain English definition of one of the code sections listed below, but is not actually listed, it could be an exclusionary crime.
- If a felony conviction is not indicated on this list, in order to establish if the applicant provider should be disqualified, the CBCB, GEU, analyst must check to ensure that the crime is not:
 - A felony punishable by death or imprisonment in a state prison for life;
 - A felony in which the convicted individual caused great bodily injury on someone other than an accomplice or personally used a firearm in the commission of the crime;
 - A felony in which the convicted individual personally used a dangerous weapon.

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
PC 136.1	Intimidation of victims or witnesses.	Preventing or trying to convince a witness not to testify at any legal proceeding or not to make any reports or act in any way that leads to an arrest or prosecution of the person.	PC 1192.7(c)
PC 182 with any PC 290(c) crimes	Conspiracy to commit any of the crimes set forth in PC 290(c); PC 182 with: PC 220 (except assault to commit mayhem) ; PC 243.4; PC 261(a)(1), (2), (3), (4), or (6);	Agreeing with one or more people to commit a crime that would require the person who commits the crime to register as a sex offender.	PC 290(c)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
	<p>PC 262(a)(1) involving force or violence for which the person is sentenced to state prison; PC 264.1; PC 266; PC 266c; PC 266h(b); PC 266i(b); PC 266j; PC 267; PC 269; PC 285; PC 286; PC 288; PC 288a; PC 288.3; PC 288.4; PC 288.5; PC288.7; PC 289; PC 311.1; PC 311.2(b), (c), or (d); PC 311.3; PC 311.4; PC 311.10; PC 311.11; PC 314(1) or (2); PC 647.6; former PC 647a; PC 653f(c); any offense involving lewd or lascivious conduct under PC 272; any felony violation of PC 288.2; any statutory predecessor that includes all of the elements of one of the above-listed offenses; or any person who, since that date, has been or is convicted of the attempt or conspiracy to commit any of the above-listed offenses.</p>		
<p>PC 182 with any PC 1192.7(c) crimes</p>	<p>Conspiracy to commit any of the crimes set forth in PC 1192.7(c); PC 182 with: PC 136.1; PC 186.22 (if a felony); PC 187; PC 190-190.4; PC 192(a); PC 203; PC 205; PC 207; PC 208; PC 209; PC 209.5; PC 211; PC 212.5; PC 213; PC 215; PC 220 (with intent to commit PC 261 or PC 211); PC 220(a)</p>	<p>Agreeing with one or more people to commit a specified violent or serious felony.</p>	<p>PC 1192.7(c)</p>

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
	(with intent to commit mayhem, rape, sodomy, or oral copulation); PC 244; PC 245(c) or (d); PC 245.2; PC 245.3; PC 245.5; PC 246; PC 261; PC 264.1; PC 286 (c)(2) or (3); PC 288; PC 288a(c)(2); PC 288.5; PC 289(a)(1); PC 422; PC 451; PC 460(a); PC 461; PC 487(d)(2); PC 4500 (only if on a non-inmate); PC 4501; PC 4503; PC 11418(b) or (c); PC 12022.53; PC 12034(c); PC 12308; PC 12309; or PC 12310.		
PC 186.22	Participation in a criminal street gang.	Any felony crime that is committed while a person is acting as part of a criminal street gang.	PC 1192.7(c)
PC 187, PC 190-190.4	Murder.	Murder is when one person kills another while acting recklessly or intending to kill the person, commit a felony crime or cause severe physical harm.	PC 667.5(c) PC 1192.7(c)
PC 192(a)	Voluntary Manslaughter.	When a person kills another person but has an excuse, such as "heat of passion."	PC 667.5(c) PC 1192.7(c)
PC 203 PC 205	Mayhem.	Removing, disabling, or disfiguring a body part of a person or cutting certain parts of a person's head.	PC 667.5(c) PC 1192.7(c)
PC 207 PC 208	Kidnapping.	Taking, holding, or keeping another person by force or fear and moving the person to a different place; or the person taken is under 14 years old; or when a person talks a child into going with them to another place.	PC 667.5(c) PC 1192.7(c)
PC 209	Kidnapping for Ransom.	Taking another person and intending to hold the victim	PC 667.5(c) PC 1192.7(c)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
		for ransom, reward or to intimidate. If someone helps another person to commit this crime they are also guilty of kidnapping for ransom.	
PC 209.5	Kidnapping During a Carjacking.	Taking a person who is not involved in the carjacking and moving that person to a place away from the carjacking that causes an increased risk of harm to the victim.	PC 667.5(c) PC 1192.7(c)
PC 211 PC 212.5 PC 213	Robbery.	Taking property from someone by force or fear and against their will.	PC 667.5(c) PC 1192.7(c)
PC 214	Train Robbery.	Taking property from any passenger or person on a train; interfering with anything related to the train and railroad; placing dynamite on anything having to do with the train; or stopping or attempting to stop a train with the intent to rob a person on the train.	PC 667.5(c)
PC 215	Carjacking.	Taking a vehicle from another person against their will by force or fear intending to leave the person without the vehicle.	PC 1192.7(c)
PC 220	Assault with intent to commit mayhem, rape, sodomy, oral copulation, rape in concert, lewd or lascivious acts on a child under 14 and genital or anal penetration by a foreign object.	Intentionally causing violent injury to another person while intending to commit mayhem or certain sex offenses listed in PC 220.	PC 667.5(c)
PC 243.4	Sexual battery and attempted sexual battery.	Touching the private parts of a person for sexual purposes without permission while the victim is restrained; is a patient receiving medical care and is seriously disabled or seriously ill; or the perpetrator wrongly believes that the touching is for a professional purpose.	PC 290(c)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
PC 244	Throwing acid or flammable substances at another person.	Intentionally trying to disfigure a person by throwing a specified chemical that could injure or disfigure the person.	PC 1192.7(c)
PC 245(c) or (d)	Assault with a deadly weapon or instrument against a peace officer or firefighter.	Intentionally using a deadly weapon to cause violent injury (assault) on a peace officer or firefighter.	PC 1192.7(c)
PC 245.2	Assault with a deadly weapon against a public transit employee.	Intentionally using a deadly weapon to cause violent injury to a person.	PC 1192.7(c)
PC 245.3	Assault with a deadly weapon against a custodial officer.	Intentionally using a deadly weapon to cause violent injury to a person employed by a law enforcement agency as a public officer who is not a peace officer.	PC 1192.7(c)
PC 245.5	Assault with a deadly weapon against a school employee.	Intentionally using a deadly weapon to cause violent injury to a school employee.	PC 1192.7(c)
PC 246	Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft.	Intentionally shooting at a building, vehicle or aircraft when a person or persons are inside.	PC 1192.7(c)
PC 261	Rape.	Sex with a person, not a spouse, without that person's consent and: against the person's will; the person is unconscious or unaware; or the person cannot consent because of a mental disorder or developmental or physical disability.	PC 667.5(c) PC 1192.7(c)
PC 262	Rape of a spouse.	When a person has sex with their spouse and it is either against the spouse's will, the spouse is unconscious or the spouse is prevented from resisting due to intoxication that the person should have known about.	PC 1192.7(c)
PC 264.1	Rape or penetration of genital or anal openings by a foreign object; acting in concert by force or violence.	When 2 or more people have sex with or sexually penetrate a person without that person's consent and against the person's will; when the person is	PC 290(c) PC 667.5(c) PC 1192.7(c)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
		unconscious or unaware; or when the person cannot consent because of a mental disorder or developmental or physical disability.	
PC 266	Enticing a minor into prostitution; aiding and abetting.	Convincing, or helping someone convince, a female younger than 18 years old to become a prostitute.	PC 290(c)
PC 266c	Inducing sexual intercourse by fear or consent through fraud.	Having sex, sexual penetration, oral sex or anal sex by misrepresentations to the person or through fear.	PC 290(c)
PC 266h(b)	Pimping a minor.	Sharing in or taking the money earned by a prostitute who is younger than 18 years old.	PC 290(c)
PC 266i(b)	Pandering a minor.	Convincing by threats, violence, or promises, a person younger than 18 years old to become or remain a prostitute.	PC 290(c)
PC 266j	Providing a minor under 16 for lewd or lascivious act.	Intentionally giving, providing, or making available a person younger than 16 years old for an obscene, indecent, or lustful act.	PC 290(c)
PC 267	Abduction of person under 18 for prostitution.	Taking a person younger than 18 years old from their parent or guardian without permission for prostitution.	PC 290(c)
PC 269	Aggravated sexual assault of a child.	Raping, having anal sex, having oral sex, or sexually penetrating a person younger than 14 years old who is 7 or more years younger than the attacker.	PC 290(c)
PC 285	Incest.	Having sexual relations with family members or close relatives.	PC 290(c)
PC 286	Sodomy.	Anal-penile sexual contact (anal sex).	PC 290(c)
PC 288	Lewd or lascivious act upon a child under 14.	Intentionally doing, or trying to do, an obscene, indecent, or lustful act with a person younger than 14 years old.	PC 290(c) PC 1192.7(c)
PC 288a	Oral copulation.	Applying the mouth of one person to the genitals or	PC 290(c)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
		anus of another person (oral sex).	
PC 288.2	Felony distribution of lewd material to children.	Intentionally sending inappropriate material to seduce a person younger than 18 years old.	PC 290(c)
PC 288.3	Contact with a minor to commit sexual offense.	Contacting or communicating with a person younger than 18 years old for a specified sexual purpose.	PC 290(c)
PC 288.4	Meeting with a minor for a sexual purpose.	Arranging to meet with a minor younger than 18 years old to expose the genitals or anal area of the minor or the perpetrator; or to do obscene, indecent or lustful acts with the minor.	PC 290(c)
PC 288.5	Continuous sexual abuse of a child.	Abusing a child younger than 14 years old at least 3 times over a period of at least 3 months through sexual contact or obscene, indecent, or lustful acts.	PC 290(c) PC 667.5(c) PC 1192.7(c)
PC 288.7	Sexual conduct with a child 10 years old or younger.	Sexual intercourse, anal-penile sexual contact (anal sex), oral-genital or oral-anal contact (oral sex) with a person younger than 10 years old.	PC 290(c)
PC 289	Sexual penetration by foreign object.	Sexual penetrating against a victim's will by force, violence, or fear when the victim cannot consent because of a mental disorder or developmental or physical disability, or the victim is unconscious or unaware.	PC 290(c)
PC 311.1	Child-related pornography.	Having any connection to images showing a minor younger than 18 years old doing, or pretending to do, sexual acts.	PC 290(c)
PC 311.2(b) PC 311.2(c) PC 311.2(d)	Child-related pornography.	Possessing or distributing images showing a person younger than 18 years old doing, or pretending to do sexual acts for profit.	PC 290(c)
PC 311.3	Sexual exploitation of a	Possessing any image	PC 290(c)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
	child.	showing a minor younger than 18 years old engaging in sexual acts.	
PC 311.4	Using a minor to assist in making or distributing child pornography.	Knowingly employing a minor younger than 18 years old to make an image or video showing sexual acts.	PC 290(c)
PC 311.10	Advertising or distributing child pornography.	Knowingly advertising for sale or distributing obscene material that shows a minor younger than 18 years old doing, or pretending to do, sexual acts.	PC 290(c)
PC 311.11	Possessing child pornography.	Knowingly possessing or controlling any image showing a person younger than 18 years old doing, or pretending to do sexual acts.	PC 290(c)
PC 314 (1) PC 314 (2)	Lewd or obscene exposure of private parts.	Exposing or getting another minor to expose private parts in an obscene or indecent way in public or where others are present.	PC 290(c)
PC 422	Criminal threats.	Communicating a threat to commit a crime that causes death or serious physical harm to another person and intending this statement to be understood as a threat.	PC 1192.7(c)
PC 451	Arson.	Intentionally setting fire to or burning any structure, forest land or property.	PC 1192.7(c)
PC 460(a)	First Degree Burglary.	Entering a building or a vehicle occupied by people with the intent to steal.	PC 1192.7(c)
PC 487 with PC 664	Grand theft involving a firearm.	Using a firearm to take the property of a person that is worth a certain amount of money or more as listed in the PC 487.	PC 1192.7(c)
PC 518 only if committed as a felony violation of PC 186.22	Extortion when committed in participation with a criminal street gang.	Acting as part of a criminal street gang when taking property from a person by using force or fear or pretending that they have an official right to take the property.	PC 667.5(c)
PC 647.6	Annoy or molest a child	Harassing or making	PC 290(c)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
	under 18 years old.	indecent sexual offers to a minor younger than 18 years old.	
PC 647a (Former)	Annoy or molest a child under 18 years old.	Harassing or making indecent sexual offers to a minor younger than 18 years old.	PC 290(c)
PC 653f(c)	Solicit another to commit rape, sodomy.	Asking another person to commit rape, anal-penile sexual contact (anal sex), or oral-genital or oral-anal contact (oral sex) by force or violence or other specified sexual offenses.	PC 290(c)
PC 664 with PC 187	Attempted murder.	Trying and failing to kill a person while: acting recklessly; intending to kill a person; intending to commit a felony; or intending to cause bodily injury.	PC 667.5(c) PC 1192.7(c)
PC 664 with any PC 290(c) crime	Attempt to commit any of the PC 290(c) crimes; PC 664 with: PC 220 (except assault to commit mayhem) ; PC 243.4; PC 261(a)(1), (2), (3), (4), or (6); PC 262(a)(1) involving force or violence for which the person is sentenced to state prison; PC 264.1; PC 266; PC 266c; PC 266h(b); PC 266i(b); PC 266j; PC 267; PC 269; PC 285; PC 286; PC 288; PC 288a; PC 288.3; PC 288.4; PC 288.5; PC288.7; PC 289; PC 311.1; PC 311.2(b), (c), or (d); PC 311.3; PC 311.4; PC 311.10; PC 311.11; PC 314(1) or (2); PC 647.6; former PC 647a; PC 653f(c); any offense involving lewd or lascivious	Trying and failing to commit a crime that would require a person to register as a sex offender if the crime has been committed.	PC 290(c)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
	conduct under PC 272; any felony violation of PC 288.2; any statutory predecessor that includes all of the elements of one of the above-listed offenses; or any person who, since that date, has been or is convicted of the attempt or conspiracy to commit any of the above-listed offenses.		
PC 664 with any PC 1192.7(c) crime, except for assault	Attempt to commit any of the PC 1192.7(c) crimes except for assault; PC 664 with: PC 136.1; PC 186.22 (if a felony); PC 187; PC 190-190.4; PC 192(a); PC 203; PC 205; PC 207; PC 208; PC 209; PC 209.5; PC 211; PC 212.5; PC 213; PC 244; PC 246; PC 261; PC 264.1; PC 286 (c)(2) or (3); PC 288; PC 288a(c)(2); PC 288.5; PC 289(a)(1); PC 422; PC 451; PC 460(a); PC 461; PC 487(d)(2); PC 4503; PC 11418(b) or (c); PC 12022.53; PC 12034(c); PC 12308; PC 12309; or PC 12310.	When a person tries and fails to commit any felony that is punishable by life in prison or death.	PC 1192.7(c)
PC 4500 (only if on a non-inmate)	Assault on a non-inmate by a prisoner sentenced to life.	When a person who is in prison with a life sentence threatens violent injury to a person who is not an inmate.	PC 1192.7(c)
PC 4501	Assault with a deadly weapon by an inmate.	When a person who is confined in prison uses a deadly weapon to threaten violent injury (assault) on another person.	PC 1192.7(c)
PC 4503	Holding of a hostage by a person confined in a	When person in state prison holds another person against	PC 1192.7(c)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
	state prison.	their will.	
PC 11418 (b) PC 11418 (c)	Weapons of mass destruction used: (b) against a person, drinking water, or animals, crop seed or seed stock; or (c) in a form causing damage to public natural resources.	When a person uses a weapon of mass destruction against a person, drinking water, or animals, crop seed or seed stock or in a form causing damage to public natural resources.	PC 667.5(c) PC 1192.7(c)
PC 12022.7 PC 12022.8 PC 12022.9 (Before July 1, 1977 PC 213, PC 264, and PC 461)	A felony crime wherein defendant inflicts great physical harm to someone other than an accomplice or where great physical harm is committed in attempted commission of certain sex offenses or injury occurs resulting in termination of a pregnancy.	PC 12022.7: When a person intentionally causes serious physical harm to a person while committing, or attempting to commit a felony. If the victim has certain characteristics or is injured in a certain way, the penalty may be higher. PC 12022.8: When a person inflicts serious physical harm on a person while committing, or attempting to commit, certain sex offenses that are listed in PC 12022.8. PC 12022.9: When a person, knowing that a woman is pregnant, personally injures the woman so that the pregnancy is terminated.	PC 667.5(c)
PC 12022.3(a) PC 12022.5 PC 12022.55	Firearm offenses, including PC 12022.5 the use of a firearm in the commission of any felony, 12022.3(a) use of a firearm in the commission of rape, rape of spouse, rape in concert, sodomy, lewd or lascivious acts upon a child under 14, oral copulation, or Genital or anal penetration by foreign object 12022.55 causing death by	PC 12022.3(a): When a person uses a firearm or deadly weapon while committing: rape (PC 261), rape of a spouse (262), rape in concert and attempted rape in concert (PC 264.1), sodomy (PC 286), lewd or lascivious act upon a child under 14 and attempted lewd or lascivious act upon a child under 14 (PC 288), oral copulation (PC 288a) or Genital or anal penetration by foreign object and attempted	PC 667.5(c)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
	discharging firearm into a motor vehicle.	genital or anal penetration by a foreign object (PC 289). PC 12022.5: When a person uses a firearm while committing, or trying to commit, a felony crime. PC 12022.55: When a person shoots a gun into another car while committing, or attempting to commit, a felony and causes injury or death to a person.	
PC 12022.53	Use of firearm in the commission of a specified felony.	Personal use of a firearm while committing a felony that is listed in the statute.	PC 667.5(c) PC 1192.7(c)
PC 12034(c)	Shooting from a vehicle.	When someone shoots a gun from a vehicle at a person in a vehicle.	PC 1192.7(c)
PC 12308	Explosion with intent to commit murder.	When a person explodes, ignites or attempts to explode anything with the intent to kill another person while either acting recklessly or intending to either kill the person, commit a felony or cause bodily injury to a person.	PC 667.5(c)
PC 12309	Explosion that causes great physical harm.	When a person explodes or ignites anything which causes physical harm to a person.	PC 667.5(c)
PC 12310	Explosion causing death.	When a person explodes or ignites anything that causes death, mayhem or serious physical harm to a person.	PC 667.5(c)
WIC 10980(c)(2)	Felony Welfare Fraud.	Intentionally and wrongly receiving CalWORKS/welfare aid worth more than \$950.	PC 12305.87(b)(2)
WIC 10980(g)(2)	Felony Food Stamps Fraud.	Intentionally using food stamps or EBT worth more than \$950 in an illegal way.	PC 12305.87(b)(2)
	Any felony punishable by death or life imprisonment.	The person has committed a felony that has a punishment of death or life in prison	PC 1192.7(c)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
	Any felony in which the defendant personally inflicts GBI on another person other than an accomplice or any felony in which the defendant personally uses a firearm.	When a person has committed a felony and caused serious physical harm to a person who is not involved in the crime or the person uses a firearm while committing any felony.	PC 1192.7(c)
	Any felony in which the defendant personally used a dangerous or deadly weapon.	When the person used a dangerous or deadly weapon while committing a felony.	PC 1192.7(c)
	Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine, or any methamphetamine-related drug as specified in 11055(d) of the Health and Safety Code or any of the precursors of methamphetamines as described in Health and Safety Code Section 11055(f) or 11100(a).		PC 1192.7(c)



Date

General Exception ID#

Applicant Provider Name
Applicant Provider Address
City, State, Zip Code

IN-HOME SUPPORTIVE SERVICES (IHSS)
GENERAL EXCEPTION

APPROVAL

Your request for an IHSS General Exception has been APPROVED.

You have now completed one of the four required steps to be enrolled as an IHSS provider.

Please contact your county IHSS office or Public Authority regarding the remaining three steps that must be completed.

- 1. Complete the IHSS Program Provider enrollment form (SOC 426).
2. Attend a provider orientation which will provide you with information about the rules, regulations, and requirements for being an IHSS provider; and
3. Sign a provider agreement stating that you understand and agree to the rules of the program and responsibilities of being a provider (SOC 846).

All four steps MUST be completed in order to be enrolled as an IHSS provider.

If you have any questions regarding this notice, you may write to the address on the letterhead of this notice, attention Analyst [ANALYST NUMBER] or you may call (888) 422-5669. Please provide your General Exception ID # that appears on the upper right corner of this notice.



Date

General Exception ID#

Applicant Provider Name
Applicant Provider Address
City, State Zip Code

**IN-HOME SUPPORTIVE SERVICES (IHSS)
GENERAL EXCEPTION**

DENIAL

This is to notify you that your request for a general exception has been DENIED. You are not eligible to be an IHSS provider and to receive payments from the IHSS program for providing services.

The exception was denied for the following reasons:

- Applicant provider did not complete, and/or did not provide written proof of completion of required classes, clinics, or counseling.
- Applicant provider did not cooperate with the Department in the exception process, including but not limited to failing to submit documentation requested by the Department.
- Applicant provider did not provide a court-issued certificate of rehabilitation.
- Applicant provider is currently a defendant in a pending criminal case.
- Applicant provider is currently on parole or probation.
- Applicant provider’s criminal history exhibits behavior incompatible with the care of vulnerable clients.

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- Applicant provider's explanation of his/her criminal record was found to be less credible than the police report or other official court records.
 - Documents submitted by applicant provider failed to demonstrate that he/she is remorseful for the crimes committed.
 - The character references submitted by applicant provider did not provide enough information as to the character of the applicant and his/her rehabilitation or experience working with vulnerable clients to be useful in making a proper determination.
 - Applicant provider's criminal history indicates a pattern of criminal behavior.
 - Not enough time has elapsed since the applicant's most recent conviction, incarceration, probation, or parole to demonstrate rehabilitation.
 - Other:

Enclosed is a copy of your Criminal Offender Record Information (CORI).

You may appeal this decision by submitting a written request and a copy of this notice to the address on the letterhead of this notice. **The request must be postmarked no later than fifteen (15) business days from the date of this notice.**

If you choose to appeal, the case will be forwarded to the California Department of Social Services Legal Division. The Legal Division will contact you and provide you with information about the appeal. If an Administrative Hearing is scheduled, you will be allowed to present your case, with or without an attorney, to an Administrative Law Judge. If you appeal this decision, it is your responsibility to notify the Department, in writing, whenever you change your address or phone number. **If this decision is not appealed within fifteen (15) business days from the date of this notice, the denial will be final.**

If you have any questions regarding this notice, you may write to the address on the letterhead of this notice, attention Analyst _____ or you may call (888) 422-5669. Please provide your General Exception ID # that appears ^{ANALYST NUMBER} on the upper right corner of the front of notice.

Enclosure



WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

Date

General Exception ID#

Applicant Provider Name
Applicant Provider Address
City, State, Zip Code

**IN-HOME SUPPORTIVE SERVICES (IHSS)
GENERAL EXCEPTION**

ACKNOWLEDGMENT OF APPEAL

This notice acknowledges that your appeal was received on _____. The California Department of Social Services Legal Division will contact you to provide information about your appeal. ^{DATE}

If you have any questions regarding this notice, you may write to the address on the letterhead of this notice, attention Analyst _____ or you may call (888) 422-5669. Please provide your General Exception ID# that appears on the upper right corner of this notice. ^{ANALYST NUMBER}



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EDMUND G. BROWN JR.
GOVERNOR

Date

General Exception ID#

Applicant Provider Name
Applicant Provider Address
City, State, Zip Code

**IN-HOME SUPPORTIVE SERVICES (IHSS)
GENERAL EXCEPTION**

NOTICE OF LATE APPEAL

This notice is to inform you that your request for appeal was late. You were sent a denial notice (GE 2) dated _____^{DATE}_____. At that time, you were informed you had fifteen (15) business days from the date of the notice to submit the request for appeal. We received your request for appeal on _____^{DATE}_____. Unfortunately, that date was after the fifteen-day deadline; therefore, we are unable to process your appeal request. Your case has been closed, and the denial is final.

If you are currently working for an IHSS recipient who was granted an individual waiver to hire you, you may continue to work for that recipient.

If you have any questions regarding this notice, you may write to the address on the letterhead of this notice, attention Analyst _____^{ANALYST NUMBER}_____ or you may call (888) 422-5699. Please provide your General Exception ID# that appears on the upper right corner of this notice.



WILL LIGHTBOURNE
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DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN JR.
GOVERNOR

Date

General Exception ID#

Applicant Provider Name
Applicant Provider Address
City, State, Zip Code

**IN-HOME SUPPORTIVE SERVICES (IHSS)
GENERAL EXCEPTION**

INCOMPLETE REQUEST

Your request for a general exception to become an IHSS provider is incomplete. The Caregiver Background Check Bureau, General Exception Unit (CBCB, GEU) has not received the information/document(s) indicated below. When you submit the required information, please include your General Exception ID# that appears on the upper right corner of this notice. You must submit these item(s) within ten (10) calendar days of the date on this notice to the address on the letterhead of this notice. If you do not submit these items within this time frame, your general exception request case will be closed.

Items not received:

- A copy of your IHSS Program Notice to Applicant Provider of Provider Ineligibility - Tier 2 Crimes (SOC 852A) stating you are ineligible to be an IHSS provider.
- A copy of your IHSS Program Provider Enrollment Form (SOC 426), which you previously completed and submitted to the county.
- Documentation (such as Court Minute Order, Judgment of Conviction, or a letter from the Probation Department) showing that your current or last probation period was informal, if applicable.
- A description of, and verification (if available) of, any completed training, classes, treatment, counseling, or community service activities that would indicate rehabilitation or changed behavior. Provide verification of completion (for example, certificates or diplomas), if applicable.
- Evidence of an official pardon by the Governor, if applicable.

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- Employment history for the last ten (10) years.
 - Copies of all police reports involving the disqualifying crime(s) for which you were convicted or a letter from law enforcement stating a report no longer exists.
 - Three (3) signed character reference statements that include the following information:
 - a. How long the person has known you
 - b. How the person knows you (this could be a description of how this person came to know you)
 - c. A statement of the person's opinion of your character
 - d. A description of any interaction between you and a person who is elderly, blind, or disabled who you have assisted
 - e. Other comments that would help describe your ability to work as an IHSS provider

The reference statements must be obtained and dated after the date of your ineligibility notice. They may be completed by current employers, former employers, or other persons you choose. You are limited to one reference from a family member.

- A signed personal statement including the following information:
 - A. A description of the events surrounding the disqualifying crime(s) for which you were convicted, including what happened, why it happened, how it happened, description of the victim (if known, gender, approximate age, physical characteristics, relationship to victim), and other relevant information about the disqualifying crime(s) or other related conviction(s). The CBCB may compare your statement with police reports and court documents.

AND

- B. A description of what you have done since the conviction(s) to ensure you will not be involved in any criminal activity again.

If you are currently working for an IHSS recipient who was granted an individual waiver to hire you, you may continue to work for that recipient.

If you have any questions regarding this notice, you may write to the address on the letterhead of this notice, attention Analyst _____ or you may call (888) 422-5669. Please provide your General Exception ID# that appears on the upper right corner of page one.



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DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN JR.
GOVERNOR

Date

General Exception ID#

Applicant Provider Name
Applicant Provider Address
City, State, Zip Code

**IN-HOME SUPPORTIVE SERVICES (IHSS)
GENERAL EXCEPTION**

CASE CLOSURE

This notice is to inform you that the Department has ceased processing your IHSS applicant provider request for a general exception and has closed your case.

You were previously sent a notice, IHSS General Exception - Incomplete Request (GE 5), informing you that you needed to provide additional information/document(s) to our office. Because you did not submit that information within the specified time frame, we were unable to determine your eligibility for a general exception. Your case has been closed.

If you have any questions regarding this notice, you may write to the address on the letterhead of this notice, attention Analyst _____ or you may call (888) 422-5669. Please provide your General Exception ID# that appears on the upper right corner of this notice.

ANALYST NUMBER



CDSS

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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN JR.
GOVERNOR

<<DATE>>

General Exception ID#: <<ID>>

<<Contact Name>>

<<County Office>>

<<County Office Address>>

<<City, State, Zip Code>>

**IN-HOME SUPPORTIVE SERVICES (IHSS)
GENERAL EXCEPTION**

APPROVAL

This is to notify you that a general exception has been approved for <<APPLICANT PROVIDER NAME>>. A similar notice was sent to this applicant provider informing him/her of the same.

If you have any questions regarding this notice, you may write to the letterhead address above or call <<Analyst Name>> at <<Analyst Phone Number>>. Please provide the General Exception ID # that appears on the upper right corner of this notice.



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EDMUND G. BROWN JR.
GOVERNOR

<<DATE>>

General Exception ID#: <<ID>>

<<Contact Name>>

<<County Office>>

<<County Office Address>>

<<City, State, Zip Code>>

**IN-HOME SUPPORTIVE SERVICES (IHSS)
GENERAL EXCEPTION**

DENIAL

This is to notify you that the general exception request for <<APPLICANT PROVIDER NAME>> has been denied. A similar notice was sent to this applicant provider informing him/her of the same. He/she was also notified of the right to appeal this decision.

If you have any questions regarding this notice, you may write to the letterhead address above or call <<Analyst Name>> at <<Analyst Phone Number>>. Please provide the General Exception ID # that appears on the upper right corner of this notice.



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EDMUND G. BROWN JR.
GOVERNOR

<<DATE>>

General Exception ID# <<ID>>

<<Contact Name>>

<<County Office>>

<<County Office Address>>

<<City, State, Zip Code>>

**IN-HOME SUPPORTIVE SERVICES (IHSS)
GENERAL EXCEPTION**

CASE CLOSURE

This notice is to inform you that the Department has ceased processing the general exception request for <<Applicant Provider Name>> and has closed the case. A similar notice was sent to this applicant provider informing him/her of the same.

The individual was previously sent a notice, IHSS General Exception - Incomplete Request (GE 5), to inform him/her that he/she needed to provide additional information/document(s) to the Department. Because the information was not submitted within the specified time frame, the Department was unable to determine the individual's eligibility for a general exception. The case has been closed.

If you have any questions regarding this notice, you may write to the letterhead address above, or call <<Analyst Name>> at <<Analyst Phone Number>>. Please provide the General Exception ID # that appears on the upper right corner of this notice.



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EDMUND G. BROWN JR.
GOVERNOR

<<Date>>

General Exception ID # <<ID>>

<<County Contact Name>>

<<County Office >>

<<County Office Address>>

<<City, State Zip>>

**IN-HOME SUPPORTIVE SERVICES (IHSS)
GENERAL EXCEPTION**

REQUEST FOR CRIMINAL OFFENDER RECORD INFORMATION (CORI)

The California Department of Social Services, Caregiver Background Check Bureau, General Exception Unit, recently received a request for a general exception for <<Applicant Provider Name>>. He/she was denied enrollment as an IHSS provider by your county, due to a disqualifying Tier 2 crime, as detailed under Welfare and Institutions Code (WIC) section 12305.87.

This letter is a formal request, as provided under WIC section 12305.87(e)(2), for an unaltered copy of the above-named applicant provider's CORI, which your office received from the California Department of Justice. Because the copy of the CORI must be unaltered, please ensure it is clear of any markings or notations. The copy of the CORI will allow our office to properly evaluate and process this general exception request.

Please send the CORI to the attention of <<Analyst Name>> at:

Caregiver Background Check Bureau
General Exception Unit
744 P Street, MS 9-15-65
Sacramento, CA 95814

Thank you for your prompt attention.

If you have any questions regarding this notice, you may call Analyst <<Analyst Name>> at (916) <<Analyst Phone Number>>.



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EDMUND G. BROWN JR.
GOVERNOR

<<DATE>>

General Exception ID# <<ID>>
<<Applicant Provider Name>>

<<County Contact Name>>
<<County Office>>
<<County Office Address>>
<<City, State, Zip Code>>

**IN-HOME SUPPORTIVE SERVICES (IHSS)
GENERAL EXCEPTION**

**NOTICE OF FORM SOC 862
RECEIVED IN ERROR**

The attached In-Home Supportive Services (IHSS) Recipient Request for Provider Waiver form (SOC 862) was sent to the Caregiver Background Check Bureau, General Exception Unit (CBCB, GEU) in error. This document is being forwarded to your office for appropriate action.

If you have any questions regarding this notice, you may write to the letterhead address or call <<Analyst Name>> at <<Analyst Phone Number>>.

Attachment



CDSS

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DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN JR.
GOVERNOR

<<DATE>>

General Exception ID#<<ID>>
<<Applicant Provider Name>>

TO: Provider Enrollment Appeals Unit (PEAU), MS 9-9-04

FROM: Caregiver Background Check Bureau, General Exception Unit
(CBCB, GEU)

SUBJECT: **Forwarding Documents for Evaluation**

The attached documents, received by the CBCB, GEU on <<DATE>>, are forwarded to your office for the following reason(s):

- Upon review of the Penal Code section and plain English explanation of the crime, for which this applicant provider has been convicted, it does not appear the conviction was for a disqualifying Tier 2 crime, as detailed under Welfare and Institutions Code section 12305.87. As a result, he/she is not required to obtain a general exception and will be eligible to be enrolled as an IHSS provider upon completion of the four-step enrollment process.
- In accordance with Welfare and Institutions Code section 12305.87(c), it appears the applicant provider has obtained a certificate of rehabilitation (under Chapter 3.5 [commencing with section 4852.01] of Title 6 of Part 3 of the Penal Code). As a result, he/she is not required to obtain a general exception and will be eligible to be enrolled as an IHSS provider upon completion of the four-step enrollment process.
- In accordance with Welfare and Institutions Code section 12305.87(c), it appears the applicant provider's Tier 2 crime has either been dismissed, pursuant to Penal Code (PC) section 1203.4, or reduced to a misdemeanor, pursuant to PC section 17(b). As a result, he/she is not required to obtain a general exception and will be eligible to be enrolled as an IHSS provider upon completion of the four-step enrollment process.

- Upon review of the applicant provider's Criminal Offender Record Information, it appears the mandatory ten-year time period has elapsed since he/she was convicted, or incarcerated following conviction, as detailed under Welfare and Institutions Code section 12305.81 or 12305.87. As a result, he/she is not required to obtain a general exception and will be eligible to be enrolled as an IHSS provider upon completion of the four-step enrollment process.
- Due to the processing time of the application and the general exception request documentation, it appears the mandatory ten-year time period, required by Welfare and Institutions Code section 12305.87, has expired. As a result, he/she is no longer required to obtain a general exception and will be eligible to be enrolled as an IHSS provider upon completion of the four-step enrollment process.
- The appeal request was forwarded to the CBCB, GEU in error.

If you have any questions regarding these documents, you may call <<Analyst Name>> at <<Analyst Phone Number>>.

Attachment



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

<<DATE>>

General Exception ID#<<ID>>
<<Applicant Provider Name>>

TO: Adult Programs Division (APD), MS 9-7-96

FROM: Caregiver Background Check Bureau, General Exception Unit
(CBCB, GEU)

SUBJECT: **Notice of Noncompliance for CORI Request**

The CBCB, GEU is authorized to request, from the county/Public Authority (PA)/Non-Profit Consortium (NPC), a copy of an applicant provider's Criminal Offender Record Information (CORI), which the county/PA/NPC received from the California Department of Justice (Welfare and Institutions Code section 12305.87(e)(2)). The county/PA/NPC is required to provide the CBCB, GEU with the unaltered CORI in a manner which safeguards the confidentiality and privacy of the information. As of the date of this notice, the CORI has not been received.

Please see the attached copy(ies) of the notice, In-Home Supportive Services (IHSS) Request for CORI (IHSS County Notice 4), for your assistance in obtaining a copy of the applicant provider's CORI.

If you have any questions regarding these documents, you may call <<Analyst Name>> at <<Analyst Phone Number>>.

Attachment