

**ASSEMBLY BILL**

**No. 1235**

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**Introduced by Assembly Members Emmerson and Walters**

February 22, 2005

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An act to amend Section 1337.6 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1235, as introduced, Emmerson. In-service training.

Existing law sets forth the qualifications for becoming a certified nurse assistant for a skilled nursing facility or intermediate care facility. Existing law requires a certified nurse assistant to renew the certification every 2 years. Existing law requires a person applying for certification renewal to have completed 48 hours of in-service training in the previous 2 years.

This bill would allow an applicant for certification renewal to complete 24 of the requisite 48 hours of training using an online computer training program approved by the Licensing and Certification Division of the State Department of Health Services.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1337.6 of the Health and Safety Code is
- 2 amended to read:
- 3 1337.6. (a) Certificates issued under this article shall be
- 4 renewed every two years and renewal shall be conditional upon
- 5 the occurrence of all of the following:

1 (1) The certificate holder submitting documentation of  
2 completion of 48 hours of in-service training every two years  
3 obtained through an approved training program or taught by a  
4 director of staff development for a licensed skilled nursing or  
5 intermediate care facility that has been approved by the state  
6 department, or by individuals or programs approved by the state  
7 department. At least 12 of the 48 hours of in-service training  
8 shall be completed in each of the two years. *Twenty-four of the*  
9 *48 hours of in-service training may be obtained through an*  
10 *online computer training program approved by the Licensing*  
11 *and Certification Division of the state department.*

12 (2) The certificate holder obtaining a criminal record  
13 clearance.

14 (b) Certificates issued under this article shall expire on the  
15 certificate holder's birthday. If the certificate is renewed more  
16 than 30 days after its expiration, the certificate holder, as a  
17 condition precedent to renewal, shall also pay the delinquency  
18 fee prescribed by this article.

19 (c) To renew an unexpired certificate, the certificate holder  
20 shall, on or before the certificate expiration date, apply for  
21 renewal on a form provided by the state department, pay the  
22 renewal fee prescribed by this article, and submit documentation  
23 of the required in-service training.

24 (d) The state department shall give written notice to a  
25 certificate holder 90 days in advance of the renewal date and, 90  
26 days in advance of the expiration of the fourth year that a  
27 renewal fee has not been paid, and shall give written notice  
28 informing the certificate holder, in general terms, of the  
29 provisions of this article. Nonreceipt of the renewal notice does  
30 not relieve the certificate holder of the obligation to make a  
31 timely renewal. Failure to make a timely renewal shall result in  
32 expiration of the certificate.

33 (e) Except as otherwise provided in this article, an expired  
34 certificate may be renewed at any time within two years after its  
35 expiration on the filing of an application for renewal on a form  
36 prescribed by the state department, and payment of the renewal  
37 fee in effect on the date the application is filed, and  
38 documentation of the required in-service education.

39 Renewal under this article shall be effective on the date on  
40 which the application is filed, on the date when the renewal fee is

1 paid, or on the date on which the delinquency fee is paid,  
2 whichever occurs last. If so renewed, the certificate shall  
3 continue in effect until the date provided for in this article, when  
4 it shall expire if it is not again renewed.

5 (f) If a certified nurse assistant applies for renewal more than  
6 two years after the expiration, the certified nurse assistant shall  
7 complete an approved 75-hour competency evaluation training  
8 program and competency evaluation program. If the certified  
9 nurse assistant demonstrates in writing to the state department's  
10 satisfaction why the certified nurse assistant cannot pay the  
11 delinquency fee, then the state department on a case-by-case  
12 basis shall consider waiving the delinquency fee. A suspended  
13 certificate is subject to expiration and shall be renewed as  
14 provided in this article, but this renewal does not entitle the  
15 certificate holder, while the certificate remains suspended, and,  
16 until it is reinstated, to engage in the certified activity, or in any  
17 other activity or conduct in violation of the order or judgment by  
18 which the certificate was suspended.

19 (g) A revoked certificate is subject to expiration as provided in  
20 this article, but it cannot be renewed. If reinstatement of the  
21 certificate is approved by the state department, the certificate  
22 holder, as a condition precedent to reinstatement, shall pay a  
23 reinstatement fee in an amount equal to the renewal fee in effect  
24 on the date the application for reinstatement is filed, plus the  
25 delinquency fee, if any, accrued at the time of its revocation.

26 (h) Except as provided in subdivision (i), a certificate that is  
27 not renewed within four years after its expiration cannot be  
28 renewed, restored, reissued, or reinstated except upon completion  
29 of a certification program unless deemed otherwise by the state  
30 department if all of the following conditions are met:

31 (1) No fact, circumstance, or condition exists that, if the  
32 certificate was issued, would justify its revocation or suspension.

33 (2) The person pays the application fee provided for by this  
34 article.

35 (3) The person takes and passes any examination that may be  
36 required of an applicant for a new certificate at that time, that  
37 shall be given by an approved provider of a certification training  
38 program.

39 (i) A certified nurse assistant whose certificate has expired  
40 after two years may have his or her certificate renewed if he or

1 she pays a training application fee, completes 75 hours in an  
2 approved competency evaluation training program, passes a  
3 competency test, and obtains a criminal background clearance  
4 prior to the renewal. The department shall develop a training  
5 program for these previously certified individuals.

6 (j) Certificate holders shall notify the department within 60  
7 days of any change of address. Any notice sent by the department  
8 shall be effective if mailed to the current address filed with the  
9 department.

10 (k) Certificate holders that have been certified as both nurse  
11 assistants pursuant to this article and home health aides pursuant  
12 to Chapter 8 (commencing with Section 1725) of Division 2 shall  
13 renew their certificates at the same time on one application.