

ASSEMBLY THIRD READING

AB 277 (Alanis)

As Amended January 5, 2026

Majority vote

SUMMARY

Requires a person who provides behavioral health treatment for a behavioral health center, facility, or program to undergo a background check; exempts a person who holds a current and valid license issued by a California state licensing board, if the licensure process includes a fingerprint-based background check and the license is in good standing.

Major Provisions**COMMENTS**

Providers in Behavioral Health Facilities. Psychiatrists, psychologists, social workers, counselors, and peer support specialists work at behavioral health centers to provide the range of services clients need. In order to provide treatment, a person must be licensed by their respective professional licensing board. Further, as described in existing law, licensees are currently required to undergo a criminal history check prior to a license being issued. Licensees can be denied a license when:

- 1) The applicant was convicted of a crime within the seven years preceding the date of application; and,
- 2) That crime is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made.

There are two exceptions to the seven-year lookback: 1) A serious felony conviction or a crime for which registration as a sex offender is required. 2) Convictions for these types of crimes can lead to a denial regardless of how long ago the conviction occurred.

Regional Center Vendor and Service Providers. Vendorization is the process for identification, selection, and utilization of service providers based on the qualifications and other requirements necessary in order to provide the services. The vendorization process allows regional centers to verify, prior to the provision of services to consumers, that an applicant meets all of the requirements and standards specified in regulations. Applicants who meet the specified requirements and standards are assigned a service code and a unique vendor identification number.

Service providers are vendored by the regional center in whose catchment area the service is located, known as the vendoring regional center. The vendoring regional center is responsible for ensuring that the applicant meets licensing and Title 17 requirements for vendorization, determining the appropriate vendor category for the service to be provided, and approving or disapproving vendorization based upon their review of the documentation submitted by the applicant.

Title 17 requirements include disclosing criminal activity involving abuse or neglect involving minors and elders. Further, regional centers require background checks for vendors. For example, the Regional Center of Orange County (RCOC) policy states:

"All RCOC vendors shall obtain criminal background checks prior to hire for all employees who provide direct services to RCOC persons served. The background checks shall include, at a minimum, a nationwide criminal history search covering felonies and misdemeanors, as well as a sex offender registry search. Background checks mandated by California Code of Regulations Title 77, or Title 22 and conducted through the California Department of Justice shall satisfy this requirement. Vendors shall comply with all applicable federal, state, and local laws and regulations regarding background checks and the use of information obtained through background checks."

Service providers under the SDP are required to have background checks. The following individuals are required by the Department of Developmental Services to get a criminal background check:

- 1) Any employee of an SDP participant who will provide direct personal care services. This does not include family members who are paid to provide direct personal care services who live in the same home as the participant.
- 2) Any employee of a provider that is not a regional center vendor and will be providing direct personal care services to an SDP participant.

This bill would require behavioral health providers for a behavioral health center, facility, or program to undergo subsequent background checks.

Registered Behavioral Technicians (RBTs). RBTs assist in delivering behavior-analytic services and practice under the direction and close supervision of Board Certified Behavior Analyst. In California, RBTs are not required to become licensed by a state licensing board. However, they are certified by an outside entity, the Behavior Analyst Certification Board (BACB). According to BACB, in order to become eligible for certification, "an applicant must no more than 180 days prior to paying for your RBT certification application, you must complete and pass a criminal background check and an abuse registry check comparable to those required of home health aides, child care professionals, and teachers in the community where you will provide services."

According to the Author, the lack of licensure for RBTs created a loophole due a lack of background checks. However, as noted by BACB, it is a condition of certification. It is unclear the value of an additional background check.

Purpose of Background Checks. According to the DOJ, "Securing a criminal background check prior to employment, licensure, or certification provides a hiring or licensing authority an important resource, which aids in the evaluation of the applicant. These applicants are often candidates for positions that place them in a position of trust for some of California's most vulnerable citizenry, elderly, and dependent adults and children. Entrusting applicants with the responsibility of the position prior to a criminal background check potentially jeopardizes the safety and integrity of the workplace and may leave some individuals exposed to unnecessary harm. Employment and licensing authorities may also face legal liability if applicants with specified active arrests or convictions are employed or licensed when statute prohibits such action based on the successful completion of a criminal background check."

According to the Author

"California has been a long-time advocate for those with disabilities, but there is still work to be done. [Autism Spectrum Disorder] has become increasingly prevalent among people of color and lower-income communities while rates of child abuse have stayed high among females and Hispanic children. The ongoing phenomenon of child abuse – specifically against children with developmental disabilities – is unacceptable, and [this bill] is an important stepping stone to prevent bad actors from being in close proximity to vulnerable children."

Arguments in Support

According to the Association of Regional Center Agencies, "This legislation will improve the lives of people with intellectual and developmental disabilities and, by benefiting them, will also strengthen our overall service system."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee on January 22, 2026, estimated costs of at least \$1 million in the first year to California Department of Justice (DOJ) for additional background checks, based on approximately 31,000 unlicensed service providers immediately impacted by this bill. Ongoing costs are unknown, but likely smaller, dependent on the number of new applicants each year. These costs may be reimbursed to an unknown extent by the individuals being screened (Fingerprint Fees Account).

VOTES**ASM HUMAN SERVICES: 6-0-1**

YES: Lee, Castillo, Calderon, Elhawary, Jackson, Tangipa

ABS, ABST OR NV: Celeste Rodriguez

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Stefani, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Bauer-Kahan, Pacheco, Pellerin, Solache, Ta, Tangipa

UPDATED

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