

Date of Hearing: June 23, 2026

ASSEMBLY COMMITTEE ON HEALTH
Mia Bonta, Chair
SB 1057 (Becker) – As Amended March 25, 2026

SENATE VOTE: 29-8

SUBJECT: Licensing: certified nurse assistants and home health aides.

SUMMARY: Revises and recasts existing law governing the training and certification of certified nurse assistants (CNAs) and home health aides (HHAs) specific to the denial of an application for certification or training, or the suspension or revocation of certification, licensure, or renewal. Makes these provisions of law parallel for both professions. Specifically, **this bill:**

- 1) Revises and recasts a portion of existing law governing the training and certification of CNAs and HHAs, including provisions related to the denial of an application for certification or training, or the suspension or revocation of certification, licensure, or renewal. Aligns the two training and certification statutes with each other.
- 2) Permits the Department of Public Health (DPH) to deny an application for, or deny a training and examination application for, a CNA/HHA on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline if either:
 - a) The applicant has been convicted of a crime within the preceding seven years from the date of the application that is directly and adversely related to the qualifications, functions, or duties of a CNA/HHA, regardless of whether the applicant was incarcerated for that crime or the applicant was convicted of a serious felony, as specified, or a sex crime for which registration is required; or,
 - b) The applicant has been subjected to formal discipline by DPH or a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline, and that is directly and adversely related to the qualifications, functions, or duties of a certified nurse assistant. Prohibits the prior disciplinary action from being the basis for denial of a training and examination application or certificate if the basis for that disciplinary action was a conviction that has been dismissed, as specified. Permits formal discipline that occurred earlier than seven years preceding the date of the application to be grounds for denial of a certificate only if the formal discipline was for conduct that would have constituted an act of sexual abuse, misconduct, or relations with a patient, as specified.
- 3) Prohibits a person being denied a CNA/HHA certificate or training and examination application on the basis that the person has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if that person has obtained a certificate of rehabilitation, has been granted clemency or a pardon by a state or federal executive, or has made a showing of good character and rehabilitation, as determined by DPH.
- 4) Prohibits a person being denied a CNA/HHA certificate or training and examination application on the basis of any conviction, or on the basis of the acts underlying the conviction, that have been dismissed or expunged. Requires the applicant who has a

conviction that has been dismissed to provide proof of that, if it is not reflected on the report furnished by the Department of Justice (DOJ).

- 5) Prohibits a person from being denied a CNA/HHA certificate or training and examination application on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, a citation, diversion, deferred entry of judgment, or a juvenile adjudication.
- 6) Permits DPH to deny a CNA/HHA certificate or training and examination application on the grounds that the applicant knowingly made a false statement of fact that is required to be revealed in the application. Prohibits DPH from denying a CNA/HHA certificate or training and examination application based solely on an applicant's failure to disclose a fact that would not have been cause for denial had it been disclosed.
- 7) Requires DPH to follow the following procedures in requesting or acting on an applicant's criminal history information:
 - a) Prohibits DPH from requiring an applicant to disclose any information or documentation regarding the applicant's criminal history prior to obtaining the person's criminal offender record information search response information from the DOJ;
 - b) Permits DPH, after it has received the criminal offender record information, to request mitigating information from an applicant regarding their criminal history that is grounds for denial, for purposes of determining direct and adverse relation or demonstrating evidence of rehabilitation, provided that the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information will not be a factor in any decision to grant or deny a certificate for, or a training and examination application;
 - c) Requires DPH, if it decides to deny a training and examination application, to deny a certificate, or to revoke or suspend a certificate, to notify the applicant in writing, in addition to the reason for the determination and the right to appeal the determination (required under existing law):
 - i) The procedure for the applicant to challenge the determination or to request reconsideration; and,
 - ii) The processes for the applicant to request a copy of their complete conviction history and question the accuracy or completeness of the record.
- 8) Deletes existing law that permits the denial of a certification or training application, or the suspension or revocation of a certificate, on the basis of a conviction for, or use of, controlled substances or alcoholic beverages, as specified.
- 9) Deletes the requirement in existing law that a CNA/HHA, whose application was denied or certificate was suspended or revoked on the basis of a criminal conviction, provide DPH with a certified copy of the judgment of each conviction.
- 10) Deletes the requirement in existing law that a CNA/HHA applicant, as part of the background clearance process, provide information as to whether or not they have any prior

criminal convictions, any arrests within the past 12-month period, or any active arrests, and certify that, to the best of their knowledge, the information provided is true.

11) Makes other technical, clarifying changes.

EXISTING LAW:

- 1) Provides for the certification of CNAs and HHAs by DPH and establishes minimum qualifications and training requirements for CNAs and HHAs. [Health and Safety Code (HSC) § 1337, *et seq.* and § 1375, *et seq.*]
- 2) Establishes a scope of practice for CNAs as performing basic patient care services directed at the safety, comfort, personal hygiene and protections of patients, prohibits CNAs from performing any services which can only be performed by a licensed person, and requires all services to be performed under the supervision of a licensed registered nurse or a licensed vocational nurse. [HSC § 1337, *et seq.*]
- 3) Defines “home health aide” as an aide who has successfully completed a state-approved training program, is employed by a home health agency or hospice program, and provides personal care services in a patient’s home. Defines “home health aide services” as personal care services provided by an HHA under a plan of treatment prescribed by the patient’s physician. Requires a certified HHA applicant to:
 - a) Have successfully completed a training program with a minimum of 75 hours or an equivalent competency evaluation program approved by DPH; and,
 - b) Obtain a criminal record clearance from DOJ. [HSC § 1727 and § 1736.1(a)]
- 4) Requires a criminal record clearance to be conducted for all CNAs by the submission of fingerprint images and related information to DPH for processing at the DOJ. Requires DPH to issue an All Facilities Letter (AFL) to facilities when it receives 95% of total responses indicating no evidence of recorded criminal information from the DOJ; and, it processes 95% total responses requiring disqualification, no later than 45 days after the date that the report is received from the DOJ. [HSC § 1338.5(a)(1)(A)]
- 5) Prohibits facilities, after the AFL is issued, from allowing CNA trainees or newly hired CNAs to have direct contact with clients or residents prior to completion of the criminal record clearance. Makes a criminal record clearance complete when DPH has obtained the person’s criminal offender record information from the DOJ and has determined that the person is not disqualified from engaging in the activity for which clearance is required. [HSC § 1338.5(a)(1)(B)]
- 6) Permits DPH to deny an application for, initiate an action to suspend or revoke a certificate for, or deny a training and examination application for, a CNA/HHA for:
 - a) Unprofessional conduct, including, but not limited to, incompetence, gross negligence, unless due to circumstances beyond the nurse assistant’s control, physical, mental, or verbal abuse of patients, or misappropriation of property of patients or others;

- b) Conviction of a crime substantially related to the qualifications, functions, and duties of a certified nurse assistant if the state department determines that the applicant or certificate holder has not adequately demonstrated that he or she has been rehabilitated and will present a threat to the health, safety, or welfare of patients;
 - c) Conviction for, or use of, any controlled substance, or any dangerous drug, or alcoholic beverages, to an extent or in a manner dangerous or injurious to the CNA/HHA, any other person, or the public, to the extent that this use would impair the ability to conduct, with safety to the public, the practice authorized by a certificate;
 - d) Procuring a certificate by fraud or misrepresentation or mistake;
 - e) Making or giving any false statement or information in conjunction with the application for issuance of a certificate or training and examination application;
 - f) Impersonating any applicant, or acting as proxy for an applicant, in any examination required for the issuance of a certificate;
 - g) Impersonating another CNA/HHA, a licensed vocational nurse, or a registered nurse, or permitting or allowing another person to use a certificate for the purpose of providing nursing services; or
 - h) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of, existing law related to certification. [HSC § 1337.9(b) and § 1736.5(c)]
- 7) Requires DPH to take specified factors as evidence of good character and rehabilitation in determining whether or not to deny a CNA/HHA application for licensure or renewal. [HSC § 1337.9(c) and § 1736.5(c)(2)]

FISCAL EFFECT: According to the Senate Appropriations Committee unknown potential costs for DPH for state administration (Licensing and Certification Program Fund).

COMMENTS:

- 1) PURPOSE OF THIS BILL.** According to the author, this bill is a crucial step toward ensuring a fair opportunity for people with past records to pursue meaningful caregiving careers while also addressing California's direct care workforce shortage. People living with past convictions face lasting barriers to sustainable work, safe housing, education, and other opportunities to succeed and care for their families. The author states that AB 2138 (Chiu and Low) Chapter 995, Statutes of 2018 vastly improved the ability of people with a conviction history to navigate the occupational licensing process for a range of different boards and bureaus regulated by the Department of Consumer Affairs (DCA), which include registered and vocational nursing, physicians and surgeons, clinical social workers and counselors, and many more. While these standards ensure a fair opportunity for people with records to obtain a range of DCA regulated patient care licenses, people seeking certifications regulated by DPH for similar roles, such as CNAs and HHAs, are not afforded the same protections. The author concludes that this bill would close this gap and ensure that people with records seeking these certifications, including entry into training programs, are afforded the same opportunity as those seeking similar DCA regulated patient care professions, and

consideration of their past convictions be subject to the same standards already approved by the Legislature.

- 2) BACKGROUND.** According to a 2024 Public Policy Institute of California report (PPIC report), “*California’s Care Workforce: An Overview of Needs, Opportunities, and Challenges*,” California’s care sector is at a critical juncture. The state recently developed a master plan to address the needs of its aging population. Successful implementation will involve meeting growing demand for care services, which in turn relies on the workers and businesses who provide essential, hands-on services to older adults, and people with disabilities. The PPIC report notes that demand for care services is growing, as California’s population ages and people live longer. HHA and personal care aide jobs are among the fastest-growing in California, projected to increase 29% in 2030.
- a) Direct care workers.** HHAs and CNAs are categorized by the U.S. Bureau of Labor Statistics (BLS) as “direct care workers,” which include HHAs, CNAs, and personal care aides. In general, personal care aides provide custodial care, while HHAs and CNAs provide both custodial and limited skilled care. According to a January 2023 California Health Care Foundation (CHCF) Issue Brief, direct care workers are paid to provide essential, hands-on, daily, and long-term assistance to older adults and people with disabilities. They work in a range of settings (from private homes to community and congregate settings), assisting their clients to maximize their quality of life and supporting their ability to remain in their own homes or communities when possible. Many of California’s direct care workers come from historically marginalized backgrounds: 80% are women, almost half (47%) are immigrants, and over three-quarters are people of color (38% Latino; 24% Asian, Native Hawaiian, and Pacific Islander; and 12% Black).
- b) Workforce shortages.** According to the CHCF Issue Brief, over the next decade, demand for direct care workers will outpace supply in California. Growing demand is driven by an aging and increasingly diverse population, fewer working-aged adults and family caregivers to support this aging population, a growing desire to remain in home and community-based settings, and an increased need for complex care provided in facility-based long-term care settings. California’s Employment Development Department ranks HHAs and personal care aides as the fifth-fastest growing occupation from 2023 to 2033, projecting a 31% growth to 1.8 million positions in 2033. CNAs are also projected to grow by 8.4% to 150,000 positions in 2033. Despite the increased demand, the Public Policy Institute of California reports that projected direct care workforce shortages range from 600,000 to over three million workers over the next decade. Several factors constrain the supply of direct care workers. Direct care work is physically and emotionally demanding, yet wages remain low (around \$5 to \$10 below the state median of \$27.38/hour), with 26% of workers earning under 150% of the federal poverty level and 40% qualifying for CalFresh. A high proportion of part-time positions also contributes to burnout and exhaustion, as some direct care workers take on multiple part-time jobs or take extra shifts at night or on weekends.
- 3) SUPPORT.** Californians for Safety and Justice (CSJ) is the sponsor of this bill and states that Californians living with past convictions face lasting barriers to sustainable work, safe housing, education and other opportunities to succeed. CSJ notes that AB 2138 vastly improved the ability of people with a conviction history to navigate the occupational

licensing process for over 40 different boards and bureaus regulated by DCA, which include registered and vocational nursing, physicians and surgeons, clinical social workers and counselors and many more. The standards enacted by AB 2138 ensure that a person cannot be denied a covered license based on a prior conviction unless certain criteria are met, including:

- a) Boards are prohibited from denying a license based on a conviction if 7 years have passed since the conviction or the person was released from incarceration. This does not apply to a serious felony, registerable sex offense, or financial felony in some cases;
- b) Boards cannot deny a license based on a conviction if the person has obtained an expungement or certificate of rehabilitation, been granted clemency or a pardon, or has demonstrated a showing of that specific board's established criteria for rehabilitation; and,
- c) A board cannot deny a license based on a conviction, regardless of when it occurred, unless the offense is substantially related to the qualifications and duties of the job they are seeking.

While these standards ensure a fair opportunity for people with records to obtain a range of DCA regulated patient care licenses, people seeking DPH regulated certifications for similar roles, such as CNAs and HHSs, are not afforded the same protections. CSJ argues that these professions often provide a vital pathway to sustainable employment through accessible, short-term training programs, and can serve as a steppingstone to other patient care career opportunities, such as registered and vocational nursing, which are already covered under existing protections. CSJ states that this bill would apply the licensing standards established by AB 2138 to DPH regulated professions, including CNAs and HHAs. CSJ concludes that this bill would ensure that people with records seeking these certifications are afforded the same opportunity as those seeking similar DCA regulated patient care professions, and consideration of their past convictions be subject to the same standards already approved by the Legislature.

4) PREVIOUS LEGISLATION.

- a) AB 1495 (Valencia), Chapter 400, Statutes of 2025 establishes requirements and standards for online training, distance learning training, or in-service training for HHAs; requires a person who provides training for an HHA to be either a registered nurse (RN) with at least two years nursing experience (with at least one year in home health care) or a licensed vocational nurse under the general supervision of the RN.
- b) AB 2131 (Valencia), Chapter 380, Statutes of 2024 requires DPH, twice a year, to update and publish on, its website, a list of approved training programs for CNAs and requires CDPH to solicit applications from vendors to provide the CNA exam in Spanish.
- c) AB 2069 (Villapudua) of 2022 would have established the California Home Health Aide Training Scholarship Act, administered by the Department of Health Care Access and Information (HCAI), to incentivize enrollment in HHA training programs by awarding \$1,500 scholarships. AB 2069 was vetoed by Governor Newsom, who stated, in part: "I support the author's goal of expanding the HHA workforce. However, this bill duplicates existing HCAI programs that provide funding and scholarships to support and expand the

HHA workforce throughout the state. An individual interested in becoming a HHA can apply to HCAI's Allied Healthcare Scholarship Program for financial assistance.”

- d) AB 2138 limits a regulatory board's discretion to deny a new license application to cases where the applicant was formally convicted of a substantially related crime or subjected to formal discipline by a licensing board, with offenses older than seven years not eligible for license denial, with several exemptions.
 - e) SB 1384 (Mitchell), Chapter 847, Statutes of 2014 deletes the requirement that DPH deny, suspend, or revoke a certificate of a CNA if the applicant or certificate holder had been convicted of a violation or attempted violation of one or more specified crimes.
- 5) **AMENDMENTS.** In order to address concerns raised by stakeholders, the author is proposing to amend this bill to authorize DPH to deny an application or a training and examination application for, a CNA or HHA if the applicant was convicted of a misdemeanor or felony involving financial abuse in connection with the delivery of a healthcare item or service; and, if the applicant has been convicted of a crime that is directly or adversely related to the qualifications, functions, of duties of a CNA or HHA, and is presently incarcerated, or was released within the preceding seven years from the date of application.

REGISTERED SUPPORT / OPPOSITION:

Support

Californians for Safety and Justice (sponsor)
Center for Employment Opportunities
Courage California
CPCA Advocates
Felony Murder Elimination Project
Glide
Rubicon Programs
San Francisco Public Defender
Transitions Clinic Network

Opposition

None on file

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