

Disqualifying Penal Code Sections for Home Health Aides

Pursuant to California Health and Safety Code section 1736.5 (a), the Department shall deny a training application and deny, suspend, or revoke a certificate issued under this article if the applicant or certificate holder has been convicted of a violation or attempted violation of any of the following Penal Code provisions:

Section

187	Murder
192(a)	Manslaughter, Voluntary
203	Mayhem
205	Aggravated Mayhem
206	Torture
207	Kidnapping
209	Kidnapping for ransom, reward, or extortion or robbery
210	Extortion by posing as a kidnapper
210.5	False imprisonment
211	Robbery (Includes degrees in 212.5 (a) and (b))
220	Assault with intent to commit mayhem, rape, sodomy, oral copulation
222	Administering stupefying drugs to assist in commission of a felony
243.4	Sexual battery (Includes degrees (a) – (d))
245	Assault with deadly weapon, all inclusive
261	Rape (Includes degrees (a) – (c))
262	Rape of spouse (Includes degrees (a) – (e))
264.1	Rape or penetration of genital or anal openings by foreign object
265	Abduction for marriage or defilement
266	Inveiglement or enticement of female under 18
266a	Taking person without will or by misrepresentation for prostitution
266b	Taking person by force
266c	Sexual act by fear
266d	Receiving money to place person in cohabitation
266e	Placing a person for prostitution against will
266f	Selling a person
266g	Prostitution of wife by force
266h	Pimping
266i	Pandering
266j	Placing child under 16 for lewd act
266k	Felony enhancement for pimping/pandering
267	Abduction of person under 18 for purposes of prostitution
273a	Willful harm or injury to a child (Includes degrees (a) – (c))
273d	Corporal punishment/injury to a child (Includes degrees (a) – (c))
273.5	Willful infliction of corporal injury (Includes (a) – (h))
285	Incest

Section

- 286 (c) Sodomy with person under 14 years against will
- (d) Voluntarily acting in concert with or aiding and abetting in act of sodomy against will
- (f) Sodomy with unconscious victim
- (g) Sodomy with victim with mental disorder or developmental or physical disability
- 288 Lewd or lascivious acts with a child under age of 14
- 288a (c) Oral copulation with person under 14 years against will
- (d) Voluntary acting in concert with or aiding and abetting
- (f)) Oral copulation with unconscious victim
- (g) Oral copulation with victim with mental disorder or developmental or physical disability
- 288.5 Continuous sexual abuse of a child (Includes degree (a))
- 289 Penetration of genital or anal openings by foreign object (Includes degrees (a) – (j))
- 289.5 Rape and sodomy (Includes degrees (a) and (b))
- 368 Elder or dependent adult abuse; theft or embezzlement of property (Includes (b) – (f))
- 451 Arson (Includes degrees (a) – (e))
- 459 Burglary (Includes degrees in 460 (a) and (b))
- 470 Forgery (Includes (a) – (e))
- 475 Possession or receipt of forged bills, notes, trading stamps, lottery tickets or shares (Includes degrees (a) – (c))
- 484 Theft
- 484b Intent to commit theft by fraud
- 484d-j Theft of access card, forgery of access card, unlawful use of access card
- 487 Grand theft (Includes degrees (a) – (c))
- 488 Petty Theft
- 496 Receiving stolen property (Includes (a) – (c))
- 503 Embezzlement
- 518 Extortion
- 666 Repeat convictions for petty theft, grand theft, burglary, carjacking, robbery and receipt of stolen property

Certification of applicants with convictions on this list may be considered by the Department only if misdemeanor actions have been dismissed by a court of law or a Certificate of Rehabilitation has been obtained for felony convictions. Any other convictions, other than minor traffic violations, must be reviewed.

Signature

Date