

Date of Hearing: January 13, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 277 (Alanis) – As Amended January 5, 2026

**SUBJECT:** Behavioral health centers, facilities, and programs: background checks

**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.

**EXISTING LAW:**

- 1) Permits a human resource agency or an employer to request from the Department of Justice (DOJ) records of all convictions or any arrest pending adjudication involving specified offenses of a person who applies for a license, employment, or volunteer position, in which they would have supervisory or disciplinary power over a minor or any person under their care. (Penal Code § 11105.3(a))
- 2) Requires, among other licensing boards, the Board of Behavioral Sciences, Physical Therapy Board of California, Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, California Board of Occupational Therapy, and Board of Psychology to require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. (Business and Professions Code § 144)
- 3) Requires self-determination program (SDP) providers to obtain a criminal background check. (Welfare and Institutions Code § 4685.8 (v))
- 4) Requires an applicant or vendor for a regional center to disclose, among other things:
  - a) The name, title and address of any person(s) who, as applicant or vendor, or who has ownership or control interest in the applicant or vendor, or is an agent, director, member of the board of directors, officer, or managing employee of the applicant or vendor, has within the previous ten years:
    - i) Been convicted of any felony or misdemeanor involving fraud or abuse in any government program, or related to neglect or abuse of an elder or dependent adult or child, or in any connection with the interference with, or obstruction of, any investigation into health care related fraud or abuse;
    - ii) Been found liable in any civil proceeding for fraud or abuse involving any government program; or,
    - iii) Entered into a settlement in lieu of conviction involving fraud or abuse in any government program. (Title 17, California Code of Regulations, Section 54311(a)(6))
- 5) Defines “behavioral health treatment” as professional services and treatment programs, including applied behavior analysis and evidence-based behavior intervention programs, that

develop or restore, to the maximum extent practicable, the functioning of an individual with pervasive developmental disorder or autism and that meet all of the following criteria:

- a) The treatment is prescribed by a physician and licensed surgeon or is developed by a licensed psychologist;
- b) The treatment is provided under a treatment plan prescribed by a qualified autism service provider and is administered by one of the following:
  - i) A qualified autism service provider;
  - ii) A qualified autism service professional supervised by the qualified autism service provider; or,
  - iii) A qualified autism service paraprofessional supervised by a qualified autism service provider or qualified autism service professional;
- c) The treatment plan has measurable goals over a specific timeline that is developed and approved by the qualified autism service provider for the specific patient being treated. Requires the treatment plan to be reviewed no less than once every six months by the qualified autism service provider and modified whenever appropriate, and be consistent with existing law to which the qualified autism service provider does all of the following:
  - i) Describes the patient's behavioral health impairments or developmental challenges that are to be treated;
  - ii) Designs an intervention plan that includes the service type, number of hours, and parent participation needed to achieve the plan's goal and objectives, and the frequency at which the patient's progress is evaluated and reported;
  - iii) Provides intervention plans that utilize evidence-based practices, with demonstrated clinical efficacy in treating pervasive developmental disorder or autism; and,
  - iv) Discontinues intensive behavioral intervention services when the treatment goals and objectives are achieved or no longer appropriate.
- d) The treatment plan is not used for purposes of providing or for the reimbursement of respite, daycare, or educational services and is not used to reimburse a parent for participating in the treatment program. The treatment plan shall be made available to the health care service plan upon request. (Health and Safety Code § 1374.73(d)(1))

**FISCAL EFFECT:** Unknown, this bill has not been analyzed by a fiscal committee.

**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:

- The applicant was convicted of a crime within the seven years preceding the date of application; and,
- 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:

- 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.
- 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.”

**Author’s Statement:** 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.”

**Equity Implications:** *This bill* will limit who is permitted to provide behavioral health treatment for a behavioral health center, facility, or program, and aims to protect consumers with disabilities.

**Double referral:** This bill is set to be heard by the Assembly Committee on Public Safety on January 13, 2026.

## **RELATED AND PRIOR LEGISLATION:**

**AB 1715 (Holden) of 2016**, would have established a Behavior Analyst category of licensure to be administered by the Board of Psychology. *AB 1715 was referred to the Senate Committee on Business, Professions, and Economic Development but was not set for hearing.*

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Association of Regional Center Agencies

Autism Speaks

Autism Spectrum Therapies

California Association for Behavior Analysis

Council of Autism Service Providers (CASP)

The Arc and United Cerebral Palsy California Collaboration

**Opposition**

None on file.

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