
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

Effective Date: July 30, 2004
Current Revision Date: August 10, 2017

Number: B-0115

Live Scan Fingerprinting

Purpose	To provide guidelines for requesting and completing criminal background clearances through live scan fingerprinting.
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Approved	This policy was approved by Anne Bloxom, Director of CFS, on August 10, 2017. <i>Signature on file.</i>
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Most Recent Revision	<p>This revision of the Policy and Procedure (P&P) includes:</p> <ul style="list-style-type: none">• Clarification regarding individuals for which CFS has statutory authority to live scan• Incorporation of information contained in PDU Dispatch “Live Scan Services to Assess Reunification” (B-0120-D), which is now rendered obsolete• Elimination of exceptions/waiver process
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Background	Live Scan is a system for the electronic submission of applicant fingerprints to the California Department of Justice (DOJ) and the subsequent automated background check and response.
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The DOJ provides Criminal Offender Record Information (CORI) to authorized agencies, including Orange County Children and Family Services (CFS), for the purposes including but not limited to: employment, licensing, certification, adoption, resource family approval, assessing a non-minor who is re-entering into extended foster care, and assessing a parent or legal guardian’s suitability to reunify with a child who is a dependent of the Juvenile Court. Additionally, the information is used as a part of the application process for new staff at Orangewood Children and Family Center (OCFC) and for screening CFS volunteers and interns prior to

contact with CFS clients.

For purposes of this P&P, CFS clients and other adults receiving live scan services will be referred to as “applicants” throughout the document.

Definitions

CORI (criminal offender record information): Penal Code Section (§) 11075 defines CORI as records and data compiled by criminal justice agencies for the purposes of identifying criminal offenders, including a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release.

POLICY

Confidentiality Pursuant to Penal Code (PC) § 11105, CORI results provided by the DOJ to CFS are confidential and will not be disseminated to any other person or agency not authorized by law.

Pursuant to DOJ Bulletin 12-05-BCIA and PC § 11105, CFS will provide a copy of the CORI results to the person to whom the information relates if the information is a basis for an adverse employment, licensing, approval or certification decision.

California Department of Social Services (CDSS) All County Information Notice (ACIN) I-03-15 and PC § 11080 allow CFS to share fingerprint clearances (i.e., criminal record histories) with federal and state auditors for the purposes of monitoring the administration of public social services.

Authorized by California Code of Regulations, Title 11, Division 1, Chapter 7, Article 1, Section 707, automated systems handling CORI will be secure from unauthorized access, alteration, deletion, or release. The computer system and terminals used to transmit and receive CORI will be located in secure premises.

Authorization to Request and Receive CORI

Pursuant to PC § 11105(b), the DOJ is authorized to provide CORI results to CFS to assist in assessing resource families, prospective adoptive parent(s), assessing a non-minor who is re-entering into extended foster care, and assessing a parent or legal guardian’s suitability to reunify with a dependent child of the Juvenile Court. CFS use of CORI results is restricted to the sole purpose for which it was requested.

CFS staff will request Live Scan fingerprinting of individuals for

which CFS has statutory authority to Live Scan, as specified in [Attachment 7—Parties Subject to Live Scan Clearances](#).

A. **Live Scan Services to Assess Reunification**

(Parent/Guardian):

Pursuant to Welfare and Institutions Code (WIC) Sections §§ 366.21, 366.22 and 16504.5(f) CFS will obtain CORI results for the purposes of assessing a parent’s or legal guardian’s suitability to reunify with a dependent child of the Juvenile Court.

When assessing suitability for reunification, social work staff will only consider criminal history that occurred after the removal of the child from the parent/guardian’s care:

- To the extent that the criminal record is substantially related to the welfare of the child

–Or–

- Related to the parent’s or guardian’s ability to exercise parental custody regarding the child

Pursuant to WIC § 366.21(e-f) and WIC§ 366.22(a), the parent or legal guardian must agree to submit for fingerprints to obtain criminal history, as part of the case plan. Refer to [CFS P&P Case Plans \(D-0101\)](#) and [Attachment 2—Case Plan Autotext Options: Service Objectives](#), for applicable service objectives and autotext to include in case planning.

Refer to CFS P&P [FR Status Review Reports \(G-0317\)](#) for additional guidance on live scan fingerprinting, and instruction on how to obtain background clearance information regarding other adults residing in the home of a parent/legal guardian when assessing suitability for reunification.

Note: Per WIC § 16504.5, CFS is not entitled to receive subsequent arrest notification as part of the live scan request for reunification.

B. **Live Scan Services to Assess Placement Suitability**

(Caregivers):

Pursuant to PC § 11105 and WIC § 16504.5, the DOJ is authorized to provide CORI results to CFS to assist in the assessment of an applicant’s suitability as a placement resource. Refer to [Attachment 7—Parties Subject to Live Scan Clearances](#).

CORI Not

When criminal background clearance information is needed for an

**Authorized—
Criminal
Background
Clearances**

individual **not specified in [Attachment 7—Parties Subject to Live Scan Clearances](#)**, to identify and/or assess the level of risk the individual poses to the safety of a dependent child, CFS staff may use alternatives such as:

- California Megan’s Law Sex Offender Locator Database
- The County Superior Court Criminal and Traffic Case system in which the individual resides (e.g., Orange County Superior Court of California Criminal and Traffic Cases)
- Other public resources

**Live Scan
Sites**

To obtain a live scan, applicants will be directed to a CFS live scan site or to a local law enforcement location.

For a list of CFS Live Scan sites, refer to [Attachment 5—Live Scan Fingerprinting—Valid Identification](#).

A listing of live scan sites offering electronic fingerprint services is available to the public on the California Attorney General’s website at State of California Department of Justice Live Scan Locations.

The applicant is responsible for assuming any fees associated with fingerprinting at a non-CFS site.

Photo ID

CFS staff requesting an individual to complete a live scan will be responsible for directing the applicant to bring a current, valid, and unexpired photo ID to the Live Scan appointment. Refer to [Attachment 5—Live Scan Fingerprinting—Valid Identification](#).

Note: Applicants without a current, valid and unexpired photo ID may obtain a California Driver’s License. Applicants may be referred to the State of California Department of Motor Vehicles AB 60 Program for information on obtaining a California Driver’s License.

Note: A copy of a valid form of identification will not be accepted at the Live Scan appointment.

**Request for
Live Scan
Service Form**

A. **Live Scan Requests for CFS Applicants:**
CFS staff requesting an individual to complete a live scan will provide the applicant with a *Request for Live Scan Service (BCII 8016)* form and be responsible for:

- Obtaining Mail Codes—to ensure CFS receives results by contacting the Clearance Unit. Refer to [Attachment 1—Sample Request for Live Scan Service Form with callout for Mail Code](#)

- Documenting the applicant’s identifying information on the form. Refer to [Attachment 2—Sample Request for Live Scan Service Form with callout for Required Identifying Information](#)
- Providing the applicant with a copy of [Attachment 5—Live Scan Fingerprinting—Valid Identification](#)
- Directing the applicant to call and schedule a live scan appointment

B. Live Scan Requests for Applicants from Other Counties:

CFS does not provide live scan services for other counties. Applicants requesting a live scan associated with a dependency case outside of OC will be directed to a local law enforcement location in their area for completion of the live scan process.

Exception: When a request is made by another county to evaluate a Resource Family Home, the live scan will be completed as a CFS applicant. Refer to CDSS [RFA Out of County Approval Protocol](#).

C. Requests for Out-of-State Fingerprinting:

When there is a need to obtain CORI on an applicant who resides out-of-state and the applicant cannot be fingerprinted in California, the Senior Social Worker will notify the applicant of the following:

- The applicant must complete the fingerprinting at a law enforcement location in their state of residence
- The process may take six to eight weeks for completion and receipt of DOJ results
- The applicant will assume any fees associated with fingerprinting in their State

All requests for out-of-state fingerprinting services will be made through the CFS Clearance Unit.

The SSW will notify the CFS Clearance Unit of:

- The need for out-of-state fingerprinting
- Applicants’ name, DOB, address, phone number
- Reason for fingerprinting

The CFS Clearance Unit will send the applicant:

- *Fingerprint Card (FD 258)* with Agency title, address, phone number and reason for fingerprinting

–And–

- *Request For Exemption From Mandatory Electronic Fingerprint Submission Requirement (BCII 9004)*

The CFS Clearance Unit will:

1. Log activities on *Out-Of-State Fingerprint Tracking Log (F063-25-492)*.
2. Send *Fingerprint Card (FD 258)*, *Request For Exemption From Mandatory Electronic Fingerprint Submission Requirement (BCII 9004)*, and a billing sheet to the DOJ.

Subsequent Arrests

Pursuant to PC § 11105.2, CFS may obtain subsequent arrest or disposition notification, also known as “sub arrests,” or “rap backs” on the applicant. This information is maintained by the DOJ as the result of an application for licensing, employment, certification, or home approval. Subsequent arrest or disposition notification consists of a current copy of the applicant’s state summary criminal history.

Live Scan Appointment

Live scan fingerprinting must be conducted by a certified fingerprint roller who:

- Is certified under the DOJ Fingerprint Rolling Certification Program

–And–

- Possesses a valid “Fingerprint Roller Certificate”

A certificate for each certified CFS live scan operator will be available upon request.

The applicant will provide the live scan operator with a completed *Request for Live Scan Service (BCII 8016)* (see [Attachment 1—Sample Request for Live Scan Service Form without Callout for Mail Code](#) and [Attachment 2—Sample Request for Live Scan Service Form with Callout for Required Identifying Information](#)) prior to fingerprinting.

If information on the form is missing or incomplete, the live scan operator will not initiate a live scan transaction and will direct the applicant to either complete the form at that time or contact the requesting SSW for further assistance.

The live scan operator will verify the applicant possesses a primary form of ID. In the absence of a primary form of ID, secondary forms of ID will be accepted. However, secondary forms of ID will only be accepted when supported by supplemental documentation. Refer to [Attachment 5—Live Scan Fingerprinting—Valid Identification](#).

Pursuant to [Attachment 6—DOJ Fingerprint Rolling Certification Program Handbook \(2015\)](#) and [Attachment 4—California Department of Justice Guidelines for Submitting Applicant Live Scan Transactions](#), the live scan operator is responsible for examining the primary/secondary form of ID to ensure that:

- The personal descriptor information (e.g., name, gender, date of birth, etc.) matches the information on the *Request for Live Scan Service (BCII 8016)*
- The expiration date has not elapsed
- The photo reasonably resembles the applicant’s physical appearance

When supplemental documentation does not support the validation of a secondary form of identification, the applicant will not be fingerprinted.

Additionally, the live scan operator will:

- Provide applicant with copy of *Request for Live Scan Services (BCII 8016)*
- Retain and file original copy of *Request for Live Scan Services (BCII 8016)* , per the “Retention” Policy section

Note: A copy of a valid form of identification will not be accepted at the Live Scan appointment.

**Applicants
With
Disabilities**

When it is impossible to obtain fingerprints, the live scan operator will promptly notify the requesting social work staff and their respective supervisor.

When an applicant is physically unable to come to a CFS live scan location, the requesting party will obtain PM approval for a mobile live scan.

After PM approval has been obtained an email will be sent by the requesting party to the CFS Clearance Unit to request mobile scan services. The email request will include:

- Applicant's name, address and phone number
- Medical issues/ reason for mobile live scan
- Documentation of PM approval

Pursuant to DOJ Bulletin 07-18-08 and PC § 11105.7, the live scan operator may use BCII 9010 **only** when the applicant is unable to supply legible fingerprints due to a disability, illness, accident or other circumstance beyond the applicant's control.

Note: This does not apply to applicants who are unable to provide fingerprints because of actions they have taken to avoid submitting fingerprints.

Timeliness of Submission

Pursuant to [Attachment 4—California Department of Justice Guidelines for Submitting Applicant Live Scan Transactions](#), live scan transactions must be submitted to the DOJ within 24 hours from the time the fingerprint images are obtained from the applicant.

Pursuant to PC § 11077.1, live scan fingerprints must be submitted electronically unless an electronic transmission site is regionally unavailable or processing procedures dictate a need to submit manually (e.g., requests for out of state fingerprinting).

Live Scan Log

Pursuant to [Attachment 4—California Department Of Justice Guidelines for Submitting Applicant Live Scan Transactions](#), a record of all live scan transactions conducted by CFS must be maintained on a *Live Scan Log (F063-28-305)* or *Out-Of-State Fingerprint Tracking Log (F063-25-492)*. The log will identify:

- Name of the live scan operator who conducted the live scan transaction
- Date the applicant was fingerprinted
- Name of the applicant
- Type of photo ID presented
- Applicant Tracking Identifier (ATI) number associated with the transaction

Each fingerprint transaction entry on the log must be initialed by the live scan operator who conducted the transaction. Logs will be maintained by the CFS Clearance Unit for a minimum of one year from the date the services were provided.

No Longer Interested Notification

Pursuant to WIC § 11105.2, when social work staff request subsequent arrest notification and there is no longer a need for that information, (e.g., employment of the applicant is terminated, the relative caregiver's or non-relative extended family member's

approval is terminated, certification or home approval is denied or revoked) CFS will notify the DOJ by way of a *No Longer Interested Notification (BCII 8302)*.

Pursuant to WIC § 11105.2, if CFS receives subsequent arrest notification for a person when there is no longer a need for the information, CFS will immediately return the subsequent arrest notification to the DOJ and inform that CFS is no longer interested in the applicant by way of a *No Longer Interested Notification (BCII 8302)*.

CFS will not record or retain any information received as a result of a subsequent arrest notification on an applicant in which CFS is no longer interested.

CORI obtained on OCFC employees and volunteers will be retained as long as the employee/volunteer remains associated with OCFC. OCFC designated staff will complete a *No Longer Interested Notification (BCII 8302)*, when applicable.

Copies of completed *No Longer Interested Notification (BCII 8302)* will be maintained by CFS.

Live Scan Rejections

Pursuant to [Attachment 4—California Department of Justice Guidelines for Submitting Applicant Live Scan Transactions](#), live scan submissions may be rejected by the DOJ for the following reasons:

- Missing data
- Invalid data
- Conflicting data
- Illegible fingerprint images

When CFS receives notification that a fingerprint submission has been rejected, the SSW will be notified and asked to contact the applicant to live scan again. In order to resubmit live scan information, the original ATI number must be used on the second *Request for Live Scan Services (BCII 8016)* (see [Attachment 3—Sample Request for Live Scan Service Form with Callout for Applicant Tracking Identifier \(ATI\) Number](#)). If the second submission is also rejected, the DOJ will automatically commence a name check to access state criminal background information on the applicant. To obtain federal criminal background information through the Federal Bureau of Investigations (FBI), a *Request for Applicant FBI Name Check (BCII 8020)* will be completed by the CFS Clearance Unit and provided to the FBI.

**Transfer of
CORI Results**

As authorized by WD V4.1 § 6-03B(m), Health and Safety Code (HSC) § 1522(h), and RFA Background Assessment Guide (BAG) § 123, the results of CORI and subsequent arrest information may be transferred from one Resource Family Approval agency (i.e., a county or CDSS) to another. Refer to the [CFS RFA Background Check Protocol](#) for further guidelines.

Retention

A. **Request for Live Scan Service form (BCII 8016):**
After completion of the fingerprinting, a copy of all *Request for Live Scan Service (BCII 8016)* forms will be:

1. Retained in the live scan room until the end of the current month.
2. At the conclusion of the month, filed in a secure location at the live scan site and retained for a period of one year. Copies will be stored in a locked file cabinet and accessible only to staff who have a legitimate need to view them. All copies will be destroyed by cross-cut shredding after one year pursuant to [Attachment 4—California Department of Justice Guidelines for Submitting Applicant Live Scan Transactions](#).

B. **CORI Results:**
Per DOJ Bulletin 02-17-BCII, retention of CORI beyond its initial use is permissible only if CFS has a legitimate business need for the information and if there are no statutory requirements to destroy the information. Any CORI that is retained beyond its initial use will be stored in a secured, confidential file with access limited to CFS staff working directly with the applicant in question.

CFS will retain CORI for the purpose of future adoption and placement requests. CORI will be maintained in a secure location.

C. **CORI Results—Resource Family Homes:**
Per ACL 03-55, CORI on caregivers and other individuals residing in homes approved by CFS must be retained for a minimum of three years after the home is no longer in use. This information may be stored in the caregiver’s licensing/approval file. The files will be locked outside of normal business hours.

**Destruction of
CORI**

When CORI is destroyed, the destruction will be carried out to the extent that the identity of the applicant can no longer reasonably be ascertained pursuant to California Code of Regulations, Title 11, Division 1, Chapter 7, Article 1, Section 708.

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- [Attachment 1—Sample Request for Live Scan Service Form with callout for Mail Code](#)
- [Attachment 2—Sample Request for Live Scan Service Form with callout for Required Identifying Information](#)
- [Attachment 3—Sample Request for Live Scan Service Form with callout for Applicant Tracking Identifier \(ATI\) Number](#)
- [Attachment 4—California Department of Justice Guidelines for Submitting Applicant Live Scan Transactions](#)
- [Attachment 5—Live Scan Fingerprinting—Valid Identification](#)
- [Attachment 6—California Department of Justice Fingerprint Rolling Certification Program](#)
- [Attachment 7—Parties Subject to Live Scan Clearances](#)

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on the link provided.

- SSA Administrative P&P [Access to State Summary Criminal History Authority \(D 33\)](#)
- CFS P&P [Relative/NREFM Placement Assessments \(K-0105\)](#)
- CFS P&P [Clearances—Relative Assessment \(K-0101\)](#)
- CFS P&P [FR Status Review Reports \(G-0317\)](#)
- [CFS RFA Background Check Protocol](#)
- [CFS Resource Family Approval Protocol](#)
- [CDSS RFA Out of County Protocol](#)
- [State of California Department of Justice \(DOJ\) Live Scan Locations](#)
- [State of California DOJ Application for Authorization Pursuant to Penal Code Section 11105\(b\)\(11\)](#)
- [Federal Bureau of Investigation Identity Verification Program Guide](#)
- [California DOJ Guidelines for Agencies Receiving CORI \(2013\)](#)

Other Sources Other printed references include the following:

None.

FORMS

Online Forms Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Live Scan Log	F063-28-305
Out-Of-State Fingerprint Tracking Log	F063-25-492
Live Scan Appointment Letter	F063-25-467
Live Scan Appointment Letter (Spanish)	F063-25-467Sp
Request for Live Scan Service	BCIA 8016
Request for Exemption from Mandatory Electronic Fingerprint Submission Requirement	BCII 9004
Request for DOJ Name Check	BCIA 9010
No Longer Interested Notification	BCIA 8302
Request for Applicant FBI Name Check	BCIA 8020
Substitute Agency Notification Request	BCII 9002
Applicant Transmittal Form–Billed	JUS 204

Hard Copy Forms Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. ***For reference purposes only***, links are provided to view these hard copy forms, where available.

Form Name	Form Number
Fingerprint Card	FD 258

CWS/CMS Forms Forms that may **only** be obtained in CWS/CMS are listed below. ***For reference purposes only***, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
None.	

Brochures Brochures to distribute in conjunction with this policy may include:

Brochure Name	Brochure Number
None.	

LEGAL MANDATES

[Family Code Section \(§\) 8712\(a\)](#) authorizes the county adoption agency to fingerprint each person who files an application for adoption.

[Title 22, Division 2, Adoptions Manual, Subchapter 5, § 35181 and 35184](#) outlines the requirements of a completed adoption assessment, including criminal background check through the DOJ.

[Title 22, Division 6, Chapter 9.5, Articles 1-2, Section 89219](#) outlines the requirements of a criminal record clearance for foster home licensure.

[Evaluator's Manual 3-0240](#) regulates the process for foster home licensing.

[California Department of Social Services \(CDSS\) Resource Family Approval Written Directives](#) outline the mandated requirements and standards to administer the RFA Program by counties.

[All County Letter No. 03-55](#) provides for the retention and storage of criminal background and CACI clearance results for approved homes.

[All County Letter No. 07-27](#) outlines the authority for CFS to obtain CORI results for potential caregivers and parents, including the extended time required to initiate live scan submission following CLETS from five judicial days to 10 calendar days.

[All County Letter No. 14-21](#) provides for the additional forms of identification for relative and NREFM caregivers only.

[All County Information Notice \(ACIN\) I-03-15](#) informs regarding the authority to share CORI with state auditors.

[Welfare and Institutions Code §309](#) includes the provision of additional forms of identification for relative/NREFM caregivers for the purpose of conducting criminal records checks.

[Welfare and Institutions Code §361.4](#) includes the provision of additional valid forms of identification for relative/NREFM caregivers for the purpose of conducting a criminal records check and CACI.

[Welfare and Institutions Code §366.21](#) authorizes CFS to obtain CORI results for the purposes of assessing reunification, as a part of the case plan.

[Welfare and Institutions Code §366.22](#) authorizes CFS to obtain CORI results for the purposes of assessing reunification, as a part of the case plan.

[Welfare and Institutions Code §16504.5](#) authorizes CFS to obtain CORI results for the purposes of assessing a parents' or legal guardian's suitability to reunify, and specifies that only the criminal history for the time period following removal will be considered.

[Welfare and Institutions Code §272](#) authorizes the Board of Supervisors to delegate to a child welfare department, the right of access to state summary criminal history information.

[Penal Code §11075](#) defines "Criminal Offender Record Information" (CORI).

[Penal Code §11077.1](#) authorizes the DOJ to accept electronic finger print images and hard fingerprint cards in certain circumstances.

[Penal Code §11080](#) provides that nothing in this article shall be construed to affect the right of access of any person or public agency to individual criminal offender record information authorized by any other provision of law.

[Penal Code §11102.1](#) authorizes the DOJ to establish, implement, and maintain a certification program to process fingerprint-based criminal background clearances and to certify live can operators.

[Penal Code §11105](#) authorizes the DOJ to provide criminal history information to certain entities.

[Penal Code §11105.2](#) authorizes the DOJ to provide subsequent arrest notifications to CFS.

[Penal Code §11105.3](#) authorizes an employer to request CORI for an employee or volunteer who will have supervision over a minor.

[Penal Code §11105.7](#) outlines the process for legible fingerprints and persons unable to submit legible fingerprints.

[Penal Code §11142](#) provides for the legal consequences of unauthorized disclosure of criminal records.

[Penal Code §13300](#) authorization for sharing confidential criminal history information by a local criminal justice agency.

California Code of Regulations, Title 11, Division 1, Chapter 7, Article 1, Sections [707](#) and [708](#) details the handling of criminal offender record information and provides for the destruction of the record.

[DOJ Bulletin 03-10-BCIA—Certification of Individuals Who Take Fingerprint Impressions.](#)

[DOJ Bulletin 05-04-BCII—Mandatory Electronic Transmission Requirement for Applicant Fingerprint Submissions.](#)

[DOJ Bulletin 05-23-BCIA—Out-of-State Applicant Fingerprint Submissions.](#)

[DOJ Bulletin 02-17-BCII—Retention of Criminal Offender Record Information.](#)

[DOJ Bulletin 12-05-BCIA](#) provides that pursuant to Penal Code §11105, CFS must expeditiously furnish a copy (in-person or delivered to the last known address) of the CORI to the person to whom the information relates when it is the basis for adverse employment, licensing, certification or home approval decision.

[Health and Safety Code \(HSC\) § 1522](#) outlines criminal background clearance requirements, exemptions that apply, and transfer of subsequent arrest notification criteria.

[45 CFR 74.53](#) provides for the retention and access requires for records.

[California Assembly Bill \(AB\) 60 \(Chapter 524: Statues of 2013\)](#) requires the Department of Motor Vehicles to issue an original driver's license to an applicant who is unable to submit satisfactory proof of legal presence in the United States. Driver license applicants under AB 60 must meet all other qualifications for licensure and must provide satisfactory proof of identity and California residency.

REVISION HISTORY

Since the Effective Date of this P&P, and prior to the Current Revision Date, the following revisions of this P&P were published:

Revised: January 17, 2008

Revised: March 10, 2011

Revised: May 16, 2014