

(c) On or before November 1, 2011, all State agencies shall produce a report for the Task Force that describes the employment restrictions that are based on criminal records for each occupation under the agency's jurisdiction and that of its boards, if any, including, but not limited to, employment within the agency; employment in facilities licensed, regulated, supervised, or funded by the agency; employment pursuant to contracts with the agency; and employment in occupations that the agency licenses or provides certifications to practice. For each occupation subject to a criminal records-based restriction, the agency shall set forth the following:

(1) the job title, occupation, job classification, or restricted place of employment, including the range of occupations affected in such places;

- **Certified Nurse Assistants (CNA)**

(2) the statute, regulation, policy, and procedure that authorizes the restriction of applicants for employment and licensure, current employees, and current licenses;

- **Healthcare Worker Background Check Act and Code (attached)**

(3) the substance and terms of the restriction, and (A) if the statute, regulation, policy or practice enumerates disqualifying offenses, a list of each disqualifying offense, the time limits for each offense, and the point in time when the time limit begins;

- **Healthcare Worker Background Check Act and Code and list of disqualifying offenses attached**

(B) if the statute, regulation, policy or practice does not enumerate disqualifying offenses and instead provides for agency discretion in determining disqualifying offenses, the criteria the agency has adopted to apply the disqualification to individual cases. Restrictions based on agency discretion include, but are not limited to, restrictions based on an offense "related to" the practice of a given profession; an offense or act of "moral turpitude"; and an offense evincing a lack of "good moral character".

- **Not applicable**

(4) the procedures used by the agency to identify an individual's criminal history, including but not limited to disclosures on applications and background checks conducted by law enforcement or private entities;

- **Illinois State Police (ISP) sends rap sheets to the Illinois Department of Public Health (IDPH) database and each rap sheet with a hit is determined by a staff member based on the Disqualifying Offense sheet.**

(5) the procedures used by the agency to determine and review whether an individual's criminal history disqualifies that individual;

- **Healthcare Worker Background Check Act and Code (attached)**

(6) the year the restriction was adopted, and its rationale;

- **10-15-2004 enacted, Sect. 5 Purpose (see attached)**

(7) any exemption, waiver, or review mechanisms available to seek relief from the disqualification based on a showing of rehabilitation or otherwise, including the terms of the mechanism, the nature of the relief it affords, and whether an administrative and judicial appeal is authorized;

- **Healthcare Worker Background Check Code – 77 Illinois Administrative Code 955 – sections 955.260, 955.270, 955.275**

(8) any statute, rule, policy and practice that requires an individual convicted of a felony to have his civil rights restored to become qualified for the job; and 9 copies of the following documents:

- **All attached via PDF (A, B, C, D below)**

(A) forms, applications, and instructions provided to applicants and those denied or terminated from jobs or licenses based on their criminal record;

(B) forms, rules, and procedures that the agency employs to provide notice of disqualification, to review applications subject to disqualification, and to provide for exemptions and appeals of disqualification;

(C) memos, guidance, instructions to staff, scoring criteria and other materials used by the agency to evaluate the criminal histories of applicants, licensees, and employees; and

(D) forms and notices used to explain waiver, exemption and appeals procedures for denial, suspensions and terminations of employment or licensure based on criminal history.

For each occupation under the agency's jurisdiction for which there are employment restrictions based on criminal records, each State agency must provide the Task Force with a report, on or before February 1, 2012, for the previous 2-year period, setting forth:

(1) the total number of people currently employed in the occupation whose employment or licensure required criminal history disclosure, background checks or restrictions;

(2) the number and percentage of individuals who underwent a criminal history background check;

**238,131**

(3) the number and percentage of individuals who were merely required to disclose their criminal history without a criminal history background check;

**N/A**

(4) the number and percentage of individuals who were found disqualified based on criminal history disclosure by the applicant;

**N/A**

(5) the number and percentage of individuals who were found disqualified based on a criminal history background check;

(6) the number and percentage of individuals who sought an exemption or waiver from the disqualification;

**Total = 2905**

**Granted = 2285**

**Denied = 620 (21.3%)**

(7) the number and percentage of individuals who sought an exemption or waiver who were subsequently granted the exemption or waiver at the first level of agency review (if multiple levels of review are available);

**Granted = 2285**

(8) the number and percentage of individuals who sought an exemption or waiver who were subsequently granted the exemption or waiver at the next level of agency review (if multiple levels of review are available);

(9) the number and percentage of individuals who were denied an exemption or waiver at the final level of agency review, and then sought review through an administrative appeal;

(10) the number and percentage of individuals who were denied an exemption or waiver at the final level of agency review, and then sought review through an administrative appeal and were then found qualified after such a review;

**N/A**

(11) the number and percentage of individuals who were found disqualified where no waiver or exemption process is available;

(12) the number and percentage of individuals who were found disqualified where no waiver or exemption process is available and who sought administrative review and then were found qualified; and

(13) if the agency maintains records of active licenses or certifications, the executive agency shall provide the total number of employees in occupations subject to criminal history restrictions.

**Total # of CNA's = 181,636**

Division of EMS Response to the  
Inventorying Employment Restrictions  
Act [20ILCS 5000]

(c) On or before November 1, 2011, all State agencies shall produce a report for the Task Force that describes the employment restrictions that are based on criminal records for each occupation under the agency's jurisdiction and that of its boards, if any, including, but not limited to, employment within the agency; employment in facilities licensed, regulated, supervised, or funded by the agency; employment pursuant to contracts with the agency; and employment in occupations that the agency licenses or provides certifications to practice. For each occupation subject to a criminal records-based restriction, the agency shall set forth the following:

- (1) the job title, occupation, job classification, or restricted place of employment, including the range of occupations affected in such places;

**(Answer)** Occupations include: Emergency Medical Technician, Emergency Medical Technician Intermediated, Emergency Medical Technician Paramedic & when approved the Advanced Emergency Medical Technician. These licensee's could potentially work on Ambulance services, Rescue Squads or in First Aid or Special events locations, i.e. stadiums, race tracks, fair grounds.

(2) the statute, regulation, policy, and procedure that authorizes the restriction of applicants for employment and licensure, current employees, and current licenses; **(Answer)** HEALTH FACILITIES (210 ILCS 50/) Emergency Medical Services (EMS) Systems Act and the Emergency Medical Services Act and Trauma Center Code.

- (2) the substance and terms of the restriction, and (A) if the statute, regulation, policy or practice enumerates disqualifying offenses, a list of each disqualifying offense, the time limits for each offense, and the point in time when the time limit begins;

**(Answer)**

**(3) Section 515.620 Felony Convictions**

- a) Applicants and licensees convicted of an Illinois *Class X, Class 1 or Class 2 felony or an out-of-state equivalent offense* shall be subject to adverse licensure actions under Section 3.50(d)(8) of the Act. In determining whether an applicant or licensee has been convicted of an *out-of-state equivalent offense* under Section 3.50(d)(8)(H) of the Act, the Department shall look to the essential elements of the out-of-state offense to determine whether that conviction is substantially equivalent to an Illinois Class X, Class 1 or Class 2 felony. The fact that the out-of-state offense may be named or classified differently by another state, territory or country shall not be considered in determining whether the out-of-state offense is equivalent. The controlling factor shall be whether the essential elements of the out-of-state offense are substantially equivalent to the essential elements of an Illinois Class X, Class 1 or Class 2 felony (Section 3.50(d) of the Act).

- b) All applicants for any license, permit or certification under the Act shall fully disclose any and all felony convictions in writing to the Department at the time of initial application or renewal. Failure to disclose all felony convictions on an application submitted to the Department shall be grounds for license denial or revocation (see Section 515.430).
- c) All licensees and certificate and permit holders under the Act shall report all new felony convictions to the Department within seven days after conviction. Convictions shall be reported by means of a letter to the Department.
- d) For applicants with a *Class X, Class 1 or Class 2 felony or an out-of-state equivalent offense* (Section 3.50(d) of the Act), the Department shall have the authority to require that the applicant sign an authorization permitting the Department to obtain a criminal history report from the Illinois State Police or other law enforcement agency at the applicant's cost. The failure or refusal of any felony applicant to provide the authorization and fee required by the applicable law enforcement agency shall be grounds for denial of licensure, including renewal.
- e) In deciding whether to issue any license to a person with a felony conviction under Section 3.50(d) of the Act, the Department shall consider the degree to which the applicant's criminal history suggests that the applicant may present a risk to patients. Factors to be considered shall include, but not be limited to:
  - 1) The length of time since the conviction and the severity of the penalty imposed;
  - 2) Whether the conviction involved theft, deception or infliction of intentional, unjustified harm to others;
  - 3) Whether there are repeat or multiple convictions or whether the convictions suggest a particular pattern of overall disregard for the safety or property of others;
  - 4) Whether the conviction suggests a propensity that may pose a threat to the public in stressful situations commonly confronted by EMS providers and First Responders;
  - 5) The degree to which the applicant provided full, complete and accurate information upon written request of the Department; and
  - 6) Other unusual facts and circumstances that strongly suggest that the applicant should not be granted a license.
- f) The Department may request and the applicant shall provide all additional information relevant to the applicant's history and the factors listed in subsection

(e). The Department shall deny any application when the applicant fails or refuses to provide additional relevant information requested by the Department, including, but not limited to, providing the written authorization and fee for a police criminal background check.

(Source: Amended at 36 Ill. Reg. 3208, effective February 15, 2012)

(B) if the statute, regulation, policy or practice does not enumerate disqualifying offenses and instead provides for agency discretion in determining disqualifying offenses, the criteria the agency has adopted to apply the disqualification to individual cases. Restrictions based on agency discretion include, but are not limited to, restrictions based on an offense "related to" the practice of a given profession; an offense or act of "moral turpitude"; and an offense evincing a lack of "good moral character".

**(Answer)** See Answer for question #2

(4) the procedures used by the agency to identify an individual's criminal history, including but not limited to disclosures on applications and background checks conducted by law enforcement or private entities; **(Answer):** The agency requires the information to be provided on the applicant form for initial licensure and will soon require it for all renewals. Individuals disclosing felony convictions must provide a current Illinois State Police Criminal background report.

(5) the procedures used by the agency to determine and review whether an individual's criminal history disqualifies that individual; **(Answer)** Each individual receives a review by program staff and IDPH legal counsel to determine if the individual is considered a potential threat to the public the licensee will be serving.

(6) the year the restriction was adopted, and its rationale; **(Answer):** the Bill was HB5183 and the ruling became effective January 1, 2011. Up to this time there was no regulation that prevented persons with criminal backgrounds of any kind to become a licensed Emergency Medical Technician within the State of Illinois.

(7) any exemption, waiver, or review mechanisms available to seek relief from the disqualification based on a showing of rehabilitation or otherwise, including the terms of the mechanism, the nature of the relief it affords, and whether an administrative and judicial appeal is authorized; **(Answer)** Under current legislation the Department's rule is final.

(8) any statute, rule, policy and practice that requires an individual convicted of a felony to have his civil rights restored to become qualified for the job; and 9 copies of the following documents: **(Answer)** none known at this time

(A) forms, applications, and instructions provided to applicants and those denied or terminated from jobs or licenses based on their criminal record; **(Answer)** All licensee's who are denied licensure are provided a letter from IDPH legal Counsel notifying them of the denial.

(B) forms, rules, and procedures that the agency employs to provide notice of disqualification, to review applications subject to disqualification, and to provide for exemptions and appeals of disqualification; **(Answer)** All licensee's who are denied licensure are provided a letter from IDPH legal Counsel notifying them of the denial.

(C) memos, guidance, instructions to staff, scoring criteria and other materials used by the agency to evaluate the criminal histories of applicants, licensees, and employees; and **(Answer)** Each applicant who reports a felony conviction is contacted by our Testing Coordinator and provided with instructions on how to submit information for a "personal History Review" the individual is provided with the Illinois State Police Criminal History form and requested to provide their story of their circumstances regarding their felony conviction.

(D) forms and notices used to explain waiver, exemption and appeals procedures for denial, suspensions and terminations of employment or licensure based on criminal history. **(Answer)** Please see D (above) criteria for completing personal History Reviews is established in the administrative code and states:

- e) In deciding whether to issue any license to a person with a felony conviction under Section 3.50(d) of the Act, the Department shall consider the degree to which the applicant's criminal history suggests that the applicant may present a risk to patients. Factors to be considered shall include, but not be limited to:
  - 1) The length of time since the conviction and the severity of the penalty imposed;
  - 2) Whether the conviction involved theft, deception or infliction of intentional, unjustified harm to others;
  - 3) Whether there are repeat or multiple convictions or whether the convictions suggest a particular pattern of overall disregard for the safety or property of others;
  - 4) Whether the conviction suggests a propensity that may pose a threat to the public in stressful situations commonly confronted by EMS providers and First Responders;
  - 5) The degree to which the applicant provided full, complete and accurate information upon written request of the Department; and
  - 6) Other unusual facts and circumstances that strongly suggest that the applicant should not be granted a license.
- f) The Department may request and the applicant shall provide all additional information relevant to the applicant's history and the factors listed in subsection (e). The Department shall deny any application when the applicant fails or

refuses to provide additional relevant information requested by the Department, including, but not limited to, providing the written authorization and fee for a police criminal background check.

(Source: Amended at 36 Ill. Reg. 3208, effective February 15, 2012)

For each occupation under the agency's jurisdiction for which there are employment restrictions based on criminal records, each State agency must provide the Task Force with a report, on or before February 1, 2012, for the previous 2-year period, setting forth:

(1) the total number of people currently employed in the occupation whose employment or licensure required criminal history disclosure, background checks or restrictions; **(Answer):** there are approximately 37,277 active licensee's in the state data base. The agency has no way of knowing how many of these persons are employed or have a criminal background. Since renewals only occur every four years it will be sometime in 2016 before all individuals with backgrounds will be identified as the administrative rules for this background requirement became effective this year.

(2) the number and percentage of individuals who underwent a criminal history background check; **(Answer):** So far the numbers have been low. It is estimated that there have only been 15-20 personal History Reviews to date.

(3) the number and percentage of individuals who were merely required to disclose their criminal history without a criminal history background check; **(Answer):** 100 % of all new licensees applying for licenses must report felony convictions. (Unable to provide numbers at this time due to an IT failure). All persons renewing beginning September of 2012 will have to report felony convictions.

(4) the number and percentage of individuals who were found disqualified based on criminal history disclosure by the applicant; **(Answer):** Two

(5) the number and percentage of individuals who were found disqualified based on a criminal history background check; **(Answer):** none, all applicants are provided an opportunity to have a personal History Review to determine if they qualify.

(6) the number and percentage of individuals who sought an exemption or waiver from the disqualification; **(Answer):** none

(7) the number and percentage of individuals who sought an exemption or waiver who were subsequently granted the exemption or waiver at the first level of agency review (if multiple levels of review are available); **(Answer):** None at this time

(8) the number and percentage of individuals who sought an exemption or waiver who were subsequently granted the exemption or waiver at the next level of agency review (if multiple levels of review are available); **(Answer):** N/A



(9) the number and percentage of individuals who were denied an exemption or waiver at the final level of agency review, and then sought review through an administrative appeal; **(Answer):None**

(10) the number and percentage of individuals who were denied an exemption or waiver at the final level of agency review, and then sought review through an administrative appeal and were then found qualified after such a review; **(Answer):None**

(11) the number and percentage of individuals who were found disqualified where no waiver or exemption process is available; **(Answer):Two**

(12) the number and percentage of individuals who were found disqualified where no waiver or exemption process is available and who sought administrative review and then were found qualified; and **(Answer):None**

(13) if the agency maintains records of active licenses or certifications, the executive agency shall provide the total number of employees in occupations subject to criminal history restrictions. **(Answer):37,277 estimated as this number changes weekly.**

Program	LicenseType	EntityType
Asbestos	Workers	Individual
	Professionals	Individual
	Contractors	Business
	Training Course Providers	Business/Individual
Lead	Risk Assessors	Individual
	Workers	Individual
	Supervisors	Individual
	Contractors	Business
	Training Course Providers	Business/Individual
Plumbing	Plumbers	Individual
	Apprentice Plumbers	Individual
	Retired Plumbers	Individual
	Certified Inspectors	Individual
	Plumbing Contractors	Business
	Irrigation Contractors	Business
	Irrigation Employees	Individual
	Training Course Providers	Business/Individual
Swimming Facilities	Beach	Facility
	Swimming Facility	Facility
Structural Pest	Pesticide Technicians	Individual
	Pesticide Business	Business
	Pesticide Non-Commercial Business	Business
Water Well	Plumber Pump Installation Contractors	Individual
	Water Well and Pump Installation Contractor	Individual
	Water Well Contractor	Individual
	Water Well Installation Contractor	Individual
	Closed Loop Well Contractors	individual
Private Sewage	Installation Contractor	Individual
	Pumping Contractor	Individual
Youth Camps		Facility
Campgrounds		Facility
Manufactured Housing		Facility
	Manufactured Home Communities	Facility
	Manufactured Home Installers	Individual
Migrant Labor Camps		Facility

## DISQUALIFYING OFFENSES

Always Disqualifying	Rehab Waiver	Waiver Meeting	Code	Section	Title	Classification	Ill Rev Stat 1991
X			[720 ILCS 5] Criminal Code of 1961	8-1.1	Solicitation of Murder		
X			[720 ILCS 5] Criminal Code of 1961	8-1.2	Solicitation of Murder for Hire	Class X felony	38/8-1.1
X			[720 ILCS 5] Criminal Code of 1961	9-1	First Degree Murder	Class X felony	38/8-1.2
X			[720 ILCS 5] Criminal Code of 1961	9-1.2	Intentional Homicide of an Unborn Child	1st Degree Murder	38/9-1
X			[720 ILCS 5] Criminal Code of 1961	9-2	Second Degree Murder	1st Degree Murder	38/9-1.2
X			[720 ILCS 5] Criminal Code of 1961	9-2.1	Voluntary Manslaughter of an Unborn Child	2nd Degree Murder	38/9-2
X			[720 ILCS 5] Criminal Code of 1961	9-3	Involuntary Manslaughter and Reckless Homicide	Class 1 felony	38/9-2.1
X			[720 ILCS 5] Criminal Code of 1961	9-3.1	Concealment of Homicide Death	Class 3 felony	38/9-3
X			[720 ILCS 5] Criminal Code of 1961	9-3.2	Involuntary Manslaughter and Reckless Homicide of an Unborn Child	Class 3 felony	38/9-3.1
X			[720 ILCS 5] Criminal Code of 1961	9-3.3	Drug Induced Homicide	Class 3 felony	38/9-3.2
X			[720 ILCS 5] Criminal Code of 1961	10-1	Kidnapping	Class X felony	38/9-3.3
X			[720 ILCS 5] Criminal Code of 1961	10-2	Aggravated Kidnapping	Class 2 felony	38/10-1
		X	[720 ILCS 5] Criminal Code of 1961	10-3	Unlawful Restraint	Class X felony	38/10-2
		X	[720 ILCS 5] Criminal Code of 1961	10-3.1	Aggravated Unlawful Restraint	Class 4 felony	38/10-3
		X	[720 ILCS 5] Criminal Code of 1961	10-4	Forcible Detention	Class 3 felony	38/10-3.1
		X	[720 ILCS 5] Criminal Code of 1961	10-5	Child Abduction	Class 2 felony	38/10-4
X			[720 ILCS 5] Criminal Code of 1961	10-7	Aiding and Abetting Child Abduction	Class 3 - 4 felony	38/10-5
X			[720 ILCS 5] Criminal Code of 1961	11-6	Indecent Solicitation of a Child	Class 4 felony	38/10-7
X			[720 ILCS 5] Criminal Code of 1961	11-9.1	Sexual Exploitation of a Child	Class 1 - 2 - 3 felony	38/11-6
X			[720 ILCS 5] Criminal Code of 1961	11-9.5	Sexual Misconduct with a Person with a Disability	Class 4 felony - A misdemeanor	38/11-9.1
X			[720 ILCS 5] Criminal Code of 1961	11-19.2	Exploitation of a Child		
		X	[720 ILCS 5] Criminal Code of 1961	11-20.1	Child Pornography	Class X felony	38/11-19.2
			[720 ILCS 5] Criminal Code of 1961	12-1	Assault	Class 1 felony	38/11-20.1
		X	[720 ILCS 5] Criminal Code of 1961	12-2	Aggravated Assault	Class C misdemeanor	38/12-1
		X	[720 ILCS 5] Criminal Code of 1961	12-3	Battery	Class 4 felony -A misdemeanor	38/12-3.2
		X	[720 ILCS 5] Criminal Code of 1961	12-3.1	Battery of an Unborn Child	Class A misdemeanor	38/12-3
X			[720 ILCS 5] Criminal Code of 1961	12-3.2	Domestic Battery	Class A misdemeanor	38/12-3.1
X			[720 ILCS 5] Criminal Code of 1961	12-3.3	Aggravated Domestic Battery	Class 4 felony A misdemeanor	38/12-3.2
X			[720 ILCS 5] Criminal Code of 1961	12.4	Aggravated Battery	Class 2 felony	
X			[720 ILCS 5] Criminal Code of 1961	12-4.1	Heinous Battery	Class 2 - 3 felony	38/12-4
X			[720 ILCS 5] Criminal Code of 1961	12-4.2	Aggravated Battery With a Firearm	Class X felony	38/12-4.1
X			[720 ILCS 5] Criminal Code of 1961	12-4.2-5	Aggravated Battery with a Machine Gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm	Class X felony	38/12-4.2
X			[720 ILCS 5] Criminal Code of 1961	12-4.3	Aggravated Battery of a Child	Class X felony	
X		X	[720 ILCS 5] Criminal Code of 1961	12-4.4	Aggravated Battery of an Unborn Child	Class X felony	38/12-4.3
X			[720 ILCS 5] Criminal Code of 1961	12-4.5	Tampering with Food, Drugs or Cosmetics	Class 2 felony	38/12-4.4
X			[720 ILCS 5] Criminal Code of 1961	12-4.6	Aggravated Battery of a Senior Citizen	Class 2 felony	38/12-4.5
		X	[720 ILCS 5] Criminal Code of 1961	12-4.7	Drug Induced Infliction of Great Bodily Harm	Class 2 felony	38/12-4.6
		X	[720 ILCS 5] Criminal Code of 1961	12-7.4	Aggravated Stalking	Class 1 felony	38/12-4.7
X			[720 ILCS 5] Criminal Code of 1961	12-11	Home Invasion	Class 2 - 3 felony	38/12-7.4
X			[720 ILCS 5] Criminal Code of 1961	12-13	Criminal Sexual Assault	Class X felony	38/12-11
X			[720 ILCS 5] Criminal Code of 1961	12-14	Aggravated Criminal Sexual Assault	Class X felony	38/12-13
X			[720 ILCS 5] Criminal Code of 1961	12-14.1	Predatory Criminal Sexual Assault of a Child	Class X felony	38/12-14
X			[720 ILCS 5] Criminal Code of 1961	12-15	Criminal Sexual Abuse	Class X felony	
X			[720 ILCS 5] Criminal Code of 1961	12-16	Aggravated Criminal Sexual Abuse	Class 2 felony - A misdemeanor	38/12-15
						Class 2 felony	38/12-16

# DISQUALIFYING OFFENSES

Always Disqualifying	Rehab Waiver	Waiver Meeting	Code	Section	Title	Classification	Ill Rev Stat 1991
X			[720 ILCS 5] Criminal Code of 1961	12-19	Abuse and Criminal Neglect of a LTC Facility Resident	Class 3 - 4 felony	38/12-19
X			[720 ILCS 5] Criminal Code of 1961	12-21	Criminal Abuse or Neglect of an Elderly Person or Person with a Disability	Class 2 - 3 felony	38/12-21
		X	[720 ILCS 5] Criminal Code of 1961	12-21.6	Endangering the Life or Health of a Child	Class 3 felony - A misdemeanor	
		X	[720 ILCS 5] Criminal Code of 1961	12-32	Ritual Mutilation	Class 2 felony	38/12-32
		X	[720 ILCS 5] Criminal Code of 1961	12-33	Ritualized Abuse of a Child	Class X - 1 felony	38/12-33
	X misdemeanor	X	[720 ILCS 5] Criminal Code of 1961	16-1	Theft	Class X - 4 felony - A misdemeanor	38/16-1
X			[720 ILCS 5] Criminal Code of 1961	<del>17-56</del> <del>16-1.3</del>	Financial Exploitation of an Elderly Person or a Person with a Disability	Class 1 - 4 felony	38/16-1.3
	X	X	[720 ILCS 5] Criminal Code of 1961	16-2	Theft of Lost or Mislaid Property	Petty offense	38/16-2
	X misdemeanor	X	[720 ILCS 5] Criminal Code of 1961	16A-3	Retail Theft	Class 3 felony - A misdemeanor	38/16A-3
		X	[720 ILCS 5] Criminal Code of 1961	16G-15	Identity Theft	Class X - 4 felony	
		X	[720 ILCS 5] Criminal Code of 1961	16-G-20	Aggravated Identity Theft	Class X - 3 felony	
		X	[720 ILCS 5] Criminal Code of 1961	17-3	Forgery	Class 3 felony	38/17-3
X			[720 ILCS 5] Criminal Code of 1961	18-1	Robbery	Class 1 - 2 felony	38/18-1
		X	[720 ILCS 5] Criminal Code of 1961	18-2	Armed Robbery	Class X felony	38/18-2
X			[720 ILCS 5] Criminal Code of 1961	18-3	Vehicular Hijacking	Class 1 felony	
X			[720 ILCS 5] Criminal Code of 1961	18-4	Aggravated Vehicular Hijacking	Class X felony	
		X	[720 ILCS 5] Criminal Code of 1961	18-5	Aggravated Robbery	Class 1 felony	
		X	[720 ILCS 5] Criminal Code of 1961	19-1	Burglary	Class 1 - 2 felony	38/19-1
		X	[720 ILCS 5] Criminal Code of 1961	19-3	Residential Burglary	Class 1 felony	38/19-3
	X	X	[720 ILCS 5] Criminal Code of 1961	19-4	Criminal Trespass to a Residence	Class 4 felony - A misdemeanor	38/19-4
		X	[720 ILCS 5] Criminal Code of 1961	20-1	Arson	Class 2 felony	38/20-1
		X	[720 ILCS 5] Criminal Code of 1961	20-1.1	Aggravated Arson	Class X felony	38/20-1.1
		X	[720 ILCS 5] Criminal Code of 1961	20-1.2	Residential Arson	Class 1 felony	
		X	[720 ILCS 5] Criminal Code of 1961	24-1	Unlawful Use of a Weapon	Class X felony - A misdemeanor	38/24-1
		X	[720 ILCS 5] Criminal Code of 1961	24-1.1	Unlawful Use or Possession of Weapons by Felons or Persons in the Custody of the Department of Corrections Facilities	Class X - 2 felony	38/24-1.1
		X	[720 ILCS 5] Criminal Code of 1961	24-1.2	Aggravated Discharge of a Firearm	Class X - 1 felony	38/24-1.2
		X	[720 ILCS 5] Criminal Code of 1961	24-1.2-5	Aggravated Discharge of a Machine Gun or a Firearm Equipped with a Device Designed or Used for Silencing the Report of a Firearm	Class X felony	38/24-1.2-5
	X	X	[720 ILCS 5] Criminal Code of 1961	24-1.5	Reckless Discharge of a Firearm	Class 4 felony	38/24-1.5
		X	[720 ILCS 5] Criminal Code of 1961	24-1.6	Aggravated Unlawful Use of a Weapon	Class X - 4 felony	38/24-1.6
		X	[720 ILCS 5] Criminal Code of 1961	24-3.2	Unlawful Discharge of Firearm Projectiles	Class X - 2 felony	38/24-3.2
		X	[720 ILCS 5] Criminal Code of 1961	24-3.3	Unlawful Sale or Delivery of Firearms on the Premises of any School	Class X - 4 felony	38/24-3.3
		X	[720 ILCS 5] Criminal Code of 1961	33A-2	Armed Violence	Class X - 2 felony	38/33A-2
		X	Wrongs to Children Act [720 ILCS 150]	4	Endangering the Life or Health of a Child	Repealed	23/2354

## DISQUALIFYING OFFENSES

Always Disqualifying	Rehab Waiver	Waiver Meeting	Code	Section	Title	Classification	Ill Rev Stat 1991
		X	Wrongs to Children Act [720 ILCS 150]	5.1	Permitting Sexual Abuse of a Child	Class 1 felony	23/2355.1
	X	X	Criminal Jurisprudence Act [720 ILCS 115]	53	Cruelty to Children	no longer a compiled statute	23/2368
		X	Cannabis Control Act [720 ILCS 550]	5	Manufacture, Delivery, or Possession with Intent to Deliver or Manufacture Cannabis	Class X felony - B misdemeanor	56 1/2/705
		X	Cannabis Control Act [720 ILCS 550]	5.1	Cannabis Trafficking	Class X - 1 felony	56 1/2/705.1
		X	Cannabis Control Act [720 ILCS 550]	5.2	Delivery of Cannabis on School Grounds	Class 1 felony - A misdemeanor	56 1/2/705.2
		X	Cannabis Control Act [720 ILCS 550]	7	Delivering Cannabis to a Person Under 18	Class X - 1 felony	56 1/2/707
		X	Cannabis Control Act [720 ILCS 550]	9	Calculated Criminal Cannabis Conspiracy	Class 1 - 3 felony	56 1/2/709
		X	Methamphetamine Control and Community Protection Act [720 ILCS 646]		Violation under the Methamphetamine Control and Community Protection Act	Class X - 4 felony	
		X	Illinois Controlled Substances Act [720 ILCS 570]	401	Manufacture or Delivery, or possession with intent to manufacture or deliver a controlled substance other than methamphetamine, a counterfeit substance, or a controlled substance analog	Class X felony	56 1/2/1401
		X	Illinois Controlled Substances Act [720 ILCS 570]	401.1	Controlled Substance Trafficking	Class X felony	56 1/2/1401.1
		X	Illinois Controlled Substances Act [720 ILCS 570]	404	Manufacture, Distribution, Advertisement, or possession with intent to manufacture or distribute a look-alike substance	Class 3 felony C misdemeanor	56 1/2/1404
		X	Illinois Controlled Substances Act [720 ILCS 570]	405	Calculated Criminal Drug Conspiracy	Class X felony	56 1/2/1405
		X	Illinois Controlled Substances Act [720 ILCS 570]	405.1	Criminal Drug Conspiracy	Dependent on the term provided for the offense which is the object of the conspiracy	56 1/2/1405.1
		X	Illinois Controlled Substances Act [720 ILCS 570]	407	Delivering a Controlled, Counterfeit or look-alike substance to a person under 18	Class X felony	56 1/2/1407
		X	Illinois Controlled Substances Act [720 ILCS 570]	407.1	Engaging or Employing a Person under 18 to Deliver a controlled, counterfeit or look-alike substance	Class X felony	56 1/2/1407.1
	X	X	Illinois Credit Card and Debit Card Act [720 ILCS 250]	4	Receiving a Stolen Credit or Debit Card	Class 3 - 4 felony	17/5917
	X	X	Illinois Credit Card and Debit Card Act [720 ILCS 250]	5	Receiving a Lost or Mislaid Card with Intent to Use, Sell, or Transfer	Class 3 - 4 felony	17/5918
	X	X	Illinois Credit Card and Debit Card Act [720 ILCS 250]	6	Selling a Credit Card or Debit Card, Without the Consent of the Issuer	Class 3 - 4 felony	17/5919
	X	X	Illinois Credit Card and Debit Card Act [720 ILCS 250]	8	Using a Credit or Debit Card with the Intent to Defraud	Class 3 - 4 felony	17/5921
	X	X	Illinois Credit Card and Debit Card Act [720 ILCS 250]	17.02	Fraudulent Use of Electronic Transmission	Class 4 felony	17/2530.2
	X	X	Nurse Practice Act [225 ILCS 65]	10-5	Practice of Nursing Without a License	Class A misdemeanor	111/3506

4/17/09

## TIME RESTRICTIONS

Misdemeanor	Class A - Z	1 year
Felony	Class 1 - 4 and X	3 years

Convictions	Eligible for a Waiver (Regular process)	A Rehab Waiver will be Granted for "certain" convictions
1 disqualifying misdemeanor conviction	1 year after the conviction date	5 years after the conviction date
2 disqualifying misdemeanor convictions	3 years after the most recent conviction date	7 years after the most recent conviction date
3 disqualifying misdemeanor convictions	3 years after the most recent conviction date	9 years after the most recent conviction date
More than 3 disqualifying misdemeanor convictions	5 years after the most recent conviction date	9 years after the most recent conviction date
1 disqualifying felony convictions	3 years after the conviction date	7 years after the conviction date
2 disqualifying felony convictions	5 years after the most recent conviction date	9 years after the most recent conviction date
3 disqualifying felony convictions	5 years after the most recent conviction date	Shall not be considered / NA
More than 3 disqualifying felony convictions	10 years after the most recent conviction date.	Shall not be considered / NA

Convictions that can be considered for a rehab waiver	Cannot grant a Rehabilitation Waiver if:
Theft as a misdemeanor	The time frames have not been met
Theft of Lost or Mislaid Property	Need more info to verify completion of parole
Retail Theft as a misdemeanor	Need more info to verify payment of fines or restitutions
Criminal trespass to Residence	If applicant has an administrative finding
Reckless discharge of a firearm	Applicant has other disqualifying offenses that do not qualify for a Rehab Waiver.
Practice of Nurse without a License	<i>Name-based bgc: make determination - No letters</i>
Cruelty to children	<i>Don't return bgc. Does not qualify for Rehab waiver.</i>
Receiving a Stolen Credit or Debit Card	
Receiving a Lost or Mislaid Card with Intent to Use, Sell or transfer	
Selling a Credit Card or Debit Card, Without the Consent of the Issuer	
Using a Credit or Debit Card with the Intent to Defraud	
Fraudulent Use of Electronic Transmission	

# DISQUALIFYING OFFENSES

Always Disqualifying	Rehab Waiver	Waiver Meeting	Code	Section	Title	Classification	Ill Rev Stat 1991
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## After Conviction Date

1 yr.  
3 yrs.  
5 yrs.  
-----  
3 yrs.  
5 yrs.  
10 yrs.

## Waiver Committee Time Frames

1 misdemeanor  
2 to 3 misdemeanors  
More than 3 misdemeanors  
-----  
1 felony  
2 to 3 felonies  
More than 3 felonies

## Rehabilitation Waiver Time Frames

1 misdemeanor  
2 misdemeanors  
3 or more misdemeanors  
-----  
1 felony  
2 felonies  
More than 3 felonies

## After Conviction Date

5 yrs.  
7 yrs.  
9 yrs.  
-----  
7 yrs.  
9 yrs.  
Does not qualify

## Ill. Rev. Stat. 1985

38/9-1.1 Murder/Homicide/Aggravated battery  
38/10-6 Kidnapping or Child Abduction  
38/11-1 Criminal sexual assault  
38/11-4 Criminal sexual assault  
38/11-4.1 Criminal sexual assault

## Ill. Rev. Stat. 1983

38/11-20a Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography

## Ill. Rev. Stat. 1961

38/3 Murder/Homicide  
38/48 to 53 Arson/aggravated arson  
38/55 Aggravated battery or assault  
38/56 Aggravated battery or assault  
38/56a to 60b Aggravated battery or assault  
38/62 Theft  
38/84 to 86 Burglary  
38/88 Burglary  
38/95 endangering a child  
38/103 Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography  
38/104 Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography  
38/109 Criminal sexual assault  
38/141 Criminal sexual assault  
38/142 Criminal sexual assault  
38/151 Forgery  
38/152 Unlawful use of a weapon  
38/152a Unlawful use of a weapon  
38/155 Unlawful use of a weapon  
38/155a to 158b Unlawful use of a weapon  
38/207 to 218 Theft

## DISQUALIFYING OFFENSES

Always Disqualifying	Rehab Waiver	Waiver Meeting	Code	Section	Title	Classification	III Rev Stat 1991
			38/236		Murder/Homicide		
			38/236 to 238		Arson/aggravated arson		
			38/240 to 244		Theft		
			38/246		Theft		
			38/252		Unlawful restrain or forcible detention		
			38/252.1		Unlawful restrain or forcible detention		
			38/252.4		Unlawful restrain or forcible detention		
			38/253		Theft		
			38/254.1		Theft		
			38/258		Theft		
			38/262		Theft		
			38/262a		Theft		
			38/273		Theft		
			38/277 to 286		Forgery		
			38/290		Theft		
			38/291		Theft		
			38/301a		Theft		
			38/354		Theft		
			38/358		Murder/Homicide		
			38/360		Murder/Homicide		
			38/361		Murder/Homicide		
			38/362		Murder/Homicide		
			38/363		Murder/Homicide		
			38/364		Murder/Homicide		
			38/364a		Murder/Homicide		
			38/365		Murder/Homicide		
			38/370		Murder/Homicide		
			38/373		Murder/Homicide		
			38/373a		Murder/Homicide		
			38/384 to 386		Kidnapping or Child Abduction		
			38/387 to 388b		Theft		
			38/389		Theft		
			38/393 to 400		Theft		
			38/404a to 404c		Theft		
			38/414a to 414c		Unlawful use of a weapon		
			38/414e		Unlawful use of a weapon		
			38/414g		Unlawful use of a weapon		
			38/417		Murder/Homicide		
			38/438		Theft		
			38/474		Murder/Homicide		
			38/490		Criminal sexual assault		
			38/491		Criminal sexual assault		
			38/492 to 496		Theft		
			38/501		Burglary		



(720 ILCS 5/Art. 17, Subdiv. 35 heading)

SUBDIVISION 35. MISCELLANEOUS SPECIAL FRAUD

(Source: P.A. 96-1551, eff. 7-1-11.)

(720 ILCS 5/17-56) (was 720 ILCS 5/16-1.3)

Sec. 17-56. Financial exploitation of an elderly person or a person with a disability.

(a) A person commits financial exploitation of an elderly person or a person with a disability when he or she stands in a position of trust or confidence with the elderly person or a person with a disability and he or she knowingly and by deception or intimidation obtains control over the property of an elderly person or a person with a disability or illegally uses the assets or resources of an elderly person or a person with a disability.

(b) Sentence. Financial exploitation of an elderly person or a person with a disability is: (1) a Class 4 felony if the value of the property is \$300 or less, (2) a Class 3 felony if the value of the property is more than \$300 but less than \$5,000, (3) a Class 2 felony if the value of the property is \$5,000 or more but less than \$50,000, and (4) a Class 1 felony if the value of the property is \$50,000 or more or if the elderly person is over 70 years of age and the value of the property is \$15,000 or more or if the elderly person is 80 years of age or older and the value of the property is \$5,000 or more.

(c) For purposes of this Section:

(1) "Elderly person" means a person 60 years of age or older.

(2) "Person with a disability" means a person who suffers from a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition that impairs the individual's mental or physical ability to independently manage his or her property or financial resources, or both.

(3) "Intimidation" means the communication to an elderly person or a person with a disability that he or she shall be deprived of food and nutrition, shelter, prescribed medication or medical care and treatment.

(4) "Deception" means, in addition to its meaning as defined in Section 15-4 of this Code, a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly person or person with a disability or to the existing or pre-existing condition of any of the property involved in such contract or agreement; or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly person or person with a disability to enter into a contract or agreement.

The illegal use of the assets or resources of an elderly person or a person with a disability includes, but is not limited to, the misappropriation of those assets or resources by undue influence, breach of a fiduciary relationship, fraud, deception, extortion, or use of the assets or resources contrary to law.

A person stands in a position of trust and confidence with an elderly person or person with a disability when he (i) is a parent, spouse, adult child or other relative by blood or

*ILCS code  
changed*

marriage of the elderly person or person with a disability, (ii) is a joint tenant or tenant in common with the elderly person or person with a disability, (iii) has a legal or fiduciary relationship with the elderly person or person with a disability, or (iv) is a financial planning or investment professional.

(d) Limitations. Nothing in this Section shall be construed to limit the remedies available to the victim under the Illinois Domestic Violence Act of 1986.

(e) Good faith efforts. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly person or person with a disability in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

(f) Not a defense. It shall not be a defense to financial exploitation of an elderly person or person with a disability that the accused reasonably believed that the victim was not an elderly person or person with a disability.

(g) Civil Liability. A person who is charged by information or indictment with the offense of financial exploitation of an elderly person or person with a disability and who fails or refuses to return the victim's property within 60 days following a written demand from the victim or the victim's legal representative shall be liable to the victim or to the estate of the victim in damages of treble the amount of the value of the property obtained, plus reasonable attorney fees and court costs. The burden of proof that the defendant unlawfully obtained the victim's property shall be by a preponderance of the evidence. This subsection shall be operative whether or not the defendant has been convicted of the offense.

(Source: P.A. 96-1551, eff. 7-1-11; 97-482, eff. 1-1-12.)

**Information maintained by the Legislative Reference Bureau**

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

**PROFESSIONS AND OCCUPATIONS**  
**(225 ILCS 46/) Health Care Worker Background Check Act.**

(225 ILCS 46/1)

Sec. 1. Short title. This Act may be cited as the Health Care Worker Background Check Act.

(Source: P.A. 89-197, eff. 7-21-95.)

(225 ILCS 46/5)

Sec. 5. Purpose. The General Assembly finds that it is in the public interest to protect the most frail and disabled citizens of the State of Illinois from possible harm through a criminal background check of certain health care workers and all employees of licensed and certified long-term care facilities who have or may have contact with residents or have access to the living quarters or the financial, medical, or personal records of residents.

(Source: P.A. 94-665, eff. 1-1-06.)

(225 ILCS 46/10)

Sec. 10. Applicability. This Act applies to all individuals employed or retained by a health care employer as home health care aides, nurse aides, personal care assistants, private duty nurse aides, day training personnel, or an individual working in any similar health-related occupation where he or she provides direct care or has access to long-term care residents or the living quarters or financial, medical, or personal records of long-term care residents. This Act also applies to all employees of licensed or certified long-term care facilities who have or may have contact with residents or access to the living quarters or the financial, medical, or personal records of residents.

(Source: P.A. 94-665, eff. 1-1-06.)

(225 ILCS 46/15)

(Text of Section from P.A. 97-38)

Sec. 15. Definitions. In this Act:

"Applicant" means an individual seeking employment with a health care employer who has received a bona fide conditional offer of employment.

"Conditional offer of employment" means a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of Public Health indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25.

"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing,

toileting, or other personal needs, including home services as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act. The entity responsible for inspecting and licensing, certifying, or registering the health care employer may, by administrative rule, prescribe guidelines for interpreting this definition with regard to the health care employers that it licenses.

"Disqualifying offenses" means those offenses set forth in Section 25 of this Act.

"Employee" means any individual hired, employed, or retained to which this Act applies.

"Fingerprint-based criminal history records check" means a livescan fingerprint-based criminal history records check submitted as a fee applicant inquiry in the form and manner prescribed by the Department of State Police.

"Health care employer" means:

- (1) the owner or licensee of any of the following:
  - (i) a community living facility, as defined in the Community Living Facilities Act;
  - (ii) a life care facility, as defined in the Life Care Facilities Act;
  - (iii) a long-term care facility;
  - (iv) a home health agency, home services agency, or home nursing agency as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;
  - (v) a hospice care program or volunteer hospice program, as defined in the Hospice Program Licensing Act;
  - (vi) a hospital, as defined in the Hospital Licensing Act;
  - (vii) (blank);
  - (viii) a nurse agency, as defined in the Nurse Agency Licensing Act;
  - (ix) a respite care provider, as defined in the Respite Program Act;
  - (ix-a) an establishment licensed under the Assisted Living and Shared Housing Act;
  - (x) a supportive living program, as defined in the Illinois Public Aid Code;
  - (xi) early childhood intervention programs as described in 59 Ill. Adm. Code 121;
  - (xii) the University of Illinois Hospital, Chicago;
  - (xiii) programs funded by the Department on Aging through the Community Care Program;
  - (xiv) programs certified to participate in the Supportive Living Program authorized pursuant to Section 5-5.01a of the Illinois Public Aid Code;
  - (xv) programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers;
  - (xvi) locations licensed under the Alternative Health Care Delivery Act;
- (2) a day training program certified by the Department of Human Services;
- (3) a community integrated living arrangement operated by a community mental health and developmental service agency, as defined in the Community-Integrated Living Arrangements Licensing and Certification Act; or
- (4) the State Long Term Care Ombudsman Program,

including any regional long term care ombudsman programs under Section 4.04 of the Illinois Act on the Aging, only for the purpose of securing background checks.

"Initiate" means obtaining from a student, applicant, or employee his or her social security number, demographics, a disclosure statement, and an authorization for the Department of Public Health or its designee to request a fingerprint-based criminal history records check; transmitting this information electronically to the Department of Public Health; conducting Internet searches on certain web sites, including without limitation the Illinois Sex Offender Registry, the Department of Corrections' Sex Offender Search Engine, the Department of Corrections' Inmate Search Engine, the Department of Corrections Wanted Fugitives Search Engine, the National Sex Offender Public Registry, and the website of the Health and Human Services Office of Inspector General to determine if the applicant has been adjudicated a sex offender, has been a prison inmate, or has committed Medicare or Medicaid fraud, or conducting similar searches as defined by rule; and having the student, applicant, or employee's fingerprints collected and transmitted electronically to the Department of State Police.

"Livescan vendor" means an entity whose equipment has been certified by the Department of State Police to collect an individual's demographics and inkless fingerprints and, in a manner prescribed by the Department of State Police and the Department of Public Health, electronically transmit the fingerprints and required data to the Department of State Police and a daily file of required data to the Department of Public Health. The Department of Public Health shall negotiate a contract with one or more vendors that effectively demonstrate that the vendor has 2 or more years of experience transmitting fingerprints electronically to the Department of State Police and that the vendor can successfully transmit the required data in a manner prescribed by the Department of Public Health. Vendor authorization may be further defined by administrative rule.

"Long-term care facility" means a facility licensed by the State or certified under federal law as a long-term care facility, including without limitation facilities licensed under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act, or the MR/DD Community Care Act, a supportive living facility, an assisted living establishment, or a shared housing establishment or registered as a board and care home.

(Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

(Text of Section from P.A. 97-227)

Sec. 15. Definitions. In this Act:

"Applicant" means an individual seeking employment with a health care employer who has received a bona fide conditional offer of employment.

"Conditional offer of employment" means a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of Public Health indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25.

"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing,

toileting, or other personal needs, including home services as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act. The entity responsible for inspecting and licensing, certifying, or registering the health care employer may, by administrative rule, prescribe guidelines for interpreting this definition with regard to the health care employers that it licenses.

"Disqualifying offenses" means those offenses set forth in Section 25 of this Act.

"Employee" means any individual hired, employed, or retained to which this Act applies.

"Fingerprint-based criminal history records check" means a livescan fingerprint-based criminal history records check submitted as a fee applicant inquiry in the form and manner prescribed by the Department of State Police.

"Health care employer" means:

- (1) the owner or licensee of any of the following:
  - (i) a community living facility, as defined in the Community Living Facilities Act;
  - (ii) a life care facility, as defined in the Life Care Facilities Act;
  - (iii) a long-term care facility;
  - (iv) a home health agency, home services agency, or home nursing agency as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;
  - (v) a hospice care program or volunteer hospice program, as defined in the Hospice Program Licensing Act;
  - (vi) a hospital, as defined in the Hospital Licensing Act;
  - (vii) (blank);
  - (viii) a nurse agency, as defined in the Nurse Agency Licensing Act;
  - (ix) a respite care provider, as defined in the Respite Program Act;
  - (ix-a) an establishment licensed under the Assisted Living and Shared Housing Act;
  - (x) a supportive living program, as defined in the Illinois Public Aid Code;
  - (xi) early childhood intervention programs as described in 59 Ill. Adm. Code 121;
  - (xii) the University of Illinois Hospital, Chicago;
  - (xiii) programs funded by the Department on Aging through the Community Care Program;
  - (xiv) programs certified to participate in the Supportive Living Program authorized pursuant to Section 5-5.01a of the Illinois Public Aid Code;
  - (xv) programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers;
  - (xvi) locations licensed under the Alternative Health Care Delivery Act;
- (2) a day training program certified by the Department of Human Services;
- (3) a community integrated living arrangement operated by a community mental health and developmental service agency, as defined in the Community-Integrated Living Arrangements Licensing and Certification Act; or
- (4) the State Long Term Care Ombudsman Program,

including any regional long term care ombudsman programs under Section 4.04 of the Illinois Act on the Aging, only for the purpose of securing background checks.

"Initiate" means obtaining from a student, applicant, or employee his or her social security number, demographics, a disclosure statement, and an authorization for the Department of Public Health or its designee to request a fingerprint-based criminal history records check; transmitting this information electronically to the Department of Public Health; conducting Internet searches on certain web sites, including without limitation the Illinois Sex Offender Registry, the Department of Corrections' Sex Offender Search Engine, the Department of Corrections' Inmate Search Engine, the Department of Corrections Wanted Fugitives Search Engine, the National Sex Offender Public Registry, and the website of the Health and Human Services Office of Inspector General to determine if the applicant has been adjudicated a sex offender, has been a prison inmate, or has committed Medicare or Medicaid fraud, or conducting similar searches as defined by rule; and having the student, applicant, or employee's fingerprints collected and transmitted electronically to the Department of State Police.

"Livescan vendor" means an entity whose equipment has been certified by the Department of State Police to collect an individual's demographics and inkless fingerprints and, in a manner prescribed by the Department of State Police and the Department of Public Health, electronically transmit the fingerprints and required data to the Department of State Police and a daily file of required data to the Department of Public Health. The Department of Public Health shall negotiate a contract with one or more vendors that effectively demonstrate that the vendor has 2 or more years of experience transmitting fingerprints electronically to the Department of State Police and that the vendor can successfully transmit the required data in a manner prescribed by the Department of Public Health. Vendor authorization may be further defined by administrative rule.

"Long-term care facility" means a facility licensed by the State or certified under federal law as a long-term care facility, including without limitation facilities licensed under the Nursing Home Care Act or the ID/DD Community Care Act, a supportive living facility, an assisted living establishment, or a shared housing establishment or registered as a board and care home.

(Source: P.A. 96-339, eff. 7-1-10; 97-227, eff. 1-1-12.)

(225 ILCS 46/20)

Sec. 20. Exceptions. This Act shall not apply to:

(1) an individual who is licensed by the Department of Financial and Professional Regulation or the Department of Public Health under another law of this State;

(2) an individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or

(3) a student in a licensed health care field

including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is (i) employed by a health care employer in a position with duties involving direct care for clients, patients, or residents or (ii) employed by a long-term

care facility in a position that involves or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents.  
(Source: P.A. 95-120, eff. 8-13-07.)

(225 ILCS 46/25)

Sec. 25. Persons ineligible to be hired by health care employers and long-term care facilities.

(a) In the discretion of the Director of Public Health, as soon after January 1, 1996, January 1, 1997, January 1, 2006, or October 1, 2007, as applicable, and as is reasonably practical, no health care employer shall knowingly hire, employ, or retain any individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility shall knowingly hire, employ, or retain any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has been convicted of committing or attempting to commit one or more of the following offenses: those defined in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1, 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2, or subdivision (a)(4) of Section 11-14.4, or in subsection (a) of Section 12-3 or subsection (a) or (b) of Section 12-4.4a, of the Criminal Code of 1961; those provided in Section 4 of the Wrongs to Children Act; those provided in Section 53 of the Criminal Jurisprudence Act; those defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control Act; those defined in the Methamphetamine Control and Community Protection Act; or those defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances Act, unless the applicant or employee obtains a waiver pursuant to Section 40.

(a-1) In the discretion of the Director of Public Health, as soon after January 1, 2004 or October 1, 2007, as applicable, and as is reasonably practical, no health care employer shall knowingly hire any individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility shall knowingly hire any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has (i) been convicted of committing or attempting to commit one or more of the offenses defined in Section 12-3.3, 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36, 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3, or subsection (b) of Section 17-32, of the Criminal Code of 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card Act; or Section 11-9.1A of the Criminal Code of 1961 or Section 5.1 of the Wrongs to Children Act; or (ii) violated Section 50-50 of the Nurse Practice Act, unless the applicant or employee obtains a waiver pursuant to Section 40 of this Act.



A health care employer is not required to retain an individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility is required to retain an individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has been convicted of committing or attempting to commit one or more of the offenses enumerated in this subsection.

(b) A health care employer shall not hire, employ, or retain any individual in a position with duties involving direct care of clients, patients, or residents, and no long-term care facility shall knowingly hire, employ, or retain any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, if the health care employer becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsection (a) or (a-1), as verified by court records, records from a state agency, or an FBI criminal history record check, unless the applicant or employee obtains a waiver pursuant to Section 40 of this Act. This shall not be construed to mean that a health care employer has an obligation to conduct a criminal history records check in other states in which an employee has resided.

(Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff. 7-1-11; 96-1551, Article 10, Section 10-40, eff. 7-1-11; 97-597, eff. 1-1-12.)

(225 ILCS 46/25.1)

Sec. 25.1. (Repealed).

(Source: P.A. 90-441, eff. 1-1-98. Repealed by P.A. 95-120, eff. 8-13-07.)

(225 ILCS 46/30)

Sec. 30. (Repealed).

(Source: P.A. 95-545, eff. 8-28-07. Repealed by P.A. 95-120, eff. 8-13-07.)

(225 ILCS 46/33)

Sec. 33. Fingerprint-based criminal history records check.

(a) A fingerprint-based criminal history records check is not required for health care employees who have been continuously employed by a health care employer since October 1, 2007, have met the requirements for criminal history background checks prior to October 1, 2007, and have no disqualifying convictions or requested and received a waiver of those disqualifying convictions. These employees shall be retained on the Health Care Worker Registry as long as they remain active. Nothing in this subsection (a) shall be construed to prohibit a health care employer from initiating a criminal history records check for these employees. Should these employees seek a new position with a different health care employer, then a fingerprint-based criminal history records check shall be required.

(b) On October 1, 2007 or as soon thereafter as is reasonably practical, in the discretion of the Director of

Public Health, and thereafter, any student, applicant, or employee who desires to be included on the Department of Public Health's Health Care Worker Registry must authorize the Department of Public Health or its designee to request a fingerprint-based criminal history records check to determine if the individual has a conviction for a disqualifying offense. This authorization shall allow the Department of Public Health to request and receive information and assistance from any State or local governmental agency. Each individual shall submit his or her fingerprints to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information prescribed by the Department of State Police. The fingerprints submitted under this Section shall be checked against the fingerprint records now and hereafter filed in the Department of State Police criminal history record databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall not exceed the actual cost of the records check. The livescan vendor may act as the designee for individuals, educational entities, or health care employers in the collection of Department of State Police fees and deposit those fees into the State Police Services Fund. The Department of State Police shall provide information concerning any criminal convictions, now or hereafter filed, against the individual.

(c) On October 1, 2007 or as soon thereafter as is reasonably practical, in the discretion of the Director of Public Health, and thereafter, an educational entity, other than a secondary school, conducting a nurse aide training program must initiate a fingerprint-based criminal history records check requested by the Department of Public Health prior to entry of an individual into the training program.

(d) On October 1, 2007 or as soon thereafter as is reasonably practical, in the discretion of the Director of Public Health, and thereafter, a health care employer who makes a conditional offer of employment to an applicant for a position as an employee must initiate a fingerprint-based criminal history record check, requested by the Department of Public Health, on the applicant, if such a background check has not been previously conducted.

(e) When initiating a background check requested by the Department of Public Health, an educational entity or health care employer shall electronically submit to the Department of Public Health the student's, applicant's, or employee's social security number, demographics, disclosure, and authorization information in a format prescribed by the Department of Public Health within 2 working days after the authorization is secured. The student, applicant, or employee must have his or her fingerprints collected electronically and transmitted to the Department of State Police within 10 working days. The educational entity or health care employer must transmit all necessary information and fees to the livescan vendor and Department of State Police within 10 working days after receipt of the authorization. This information and the results of the criminal history record checks shall be maintained by the Department of Public Health's Health Care Worker Registry.

(f) A direct care employer may initiate a fingerprint-based background check requested by the Department of Public Health for any of its employees, but may not use this process

to initiate background checks for residents. The results of any fingerprint-based background check that is initiated with the Department as the requestor shall be entered in the Health Care Worker Registry.

(g) As long as the employee has had a fingerprint-based criminal history record check requested by the Department of Public Health and stays active on the Health Care Worker Registry, no further criminal history record checks shall be deemed necessary, as the Department of State Police shall notify the Department of Public Health of any additional convictions associated with the fingerprints previously submitted. Health care employers are required to check the Health Care Worker Registry before hiring an employee to determine that the individual has had a fingerprint-based record check requested by the Department of Public Health and has no disqualifying convictions or has been granted a waiver pursuant to Section 40 of this Act. If the individual has not had such a background check or is not active on the Health Care Worker Registry, then the health care employer must initiate a fingerprint-based record check requested by the Department of Public Health. If an individual is inactive on the Health Care Worker Registry, that individual is prohibited from being hired to work as a certified nurse aide if, since the individual's most recent completion of a competency test, there has been a period of 24 consecutive months during which the individual has not provided nursing or nursing-related services for pay. If the individual can provide proof of having retained his or her certification by not having a 24 consecutive month break in service for pay, he or she may be hired as a certified nurse aide and that employment information shall be entered into the Health Care Worker Registry.

(h) On October 1, 2007 or as soon thereafter as is reasonably practical, in the discretion of the Director of Public Health, and thereafter, if the Department of State Police notifies the Department of Public Health that an employee has a new conviction of a disqualifying offense, based upon the fingerprints that were previously submitted, then (i) the Health Care Worker Registry shall notify the employee's last known employer of the offense, (ii) a record of the employee's disqualifying offense shall be entered on the Health Care Worker Registry, and (iii) the individual shall no longer be eligible to work as an employee unless he or she obtains a waiver pursuant to Section 40 of this Act.

(i) On October 1, 2007, or as soon thereafter, in the discretion of the Director of Public Health, as is reasonably practical, and thereafter, each direct care employer or its designee must provide an employment verification for each employee no less than annually. The direct care employer or its designee must log into the Health Care Worker Registry through a secure login. The health care employer or its designee must indicate employment and termination dates within 30 days after hiring or terminating an employee, as well as the employment category and type. Failure to comply with this subsection (i) constitutes a licensing violation. For health care employers that are not licensed or certified, a fine of up to \$500 may be imposed for failure to maintain these records. This information shall be used by the Department of Public Health to notify the last known employer of any disqualifying offenses that are reported by the Department of

State Police.

(j) The Department of Public Health shall notify each health care employer or long-term care facility inquiring as to the information on the Health Care Worker Registry if the applicant or employee listed on the registry has a disqualifying offense and is therefore ineligible to work or has a waiver pursuant to Section 40 of this Act.

(k) The student, applicant, or employee must be notified of each of the following whenever a fingerprint-based criminal history records check is required:

(1) That the educational entity, health care employer, or long-term care facility shall initiate a fingerprint-based criminal history record check requested by the Department of Public Health of the student, applicant, or employee pursuant to this Act.

(2) That the student, applicant, or employee has a right to obtain a copy of the criminal records report that indicates a conviction for a disqualifying offense and challenge the accuracy and completeness of the report through an established Department of State Police procedure of Access and Review.

(3) That the applicant, if hired conditionally, may be terminated if the criminal records report indicates that the applicant has a record of a conviction of any of the criminal offenses enumerated in Section 25, unless the applicant obtains a waiver pursuant to Section 40 of this Act.

(4) That the applicant, if not hired conditionally, shall not be hired if the criminal records report indicates that the applicant has a record of a conviction of any of the criminal offenses enumerated in Section 25, unless the applicant obtains a waiver pursuant to Section 40 of this Act.

(5) That the employee shall be terminated if the criminal records report indicates that the employee has a record of a conviction of any of the criminal offenses enumerated in Section 25.

(6) If, after the employee has originally been determined not to have disqualifying offenses, the employer is notified that the employee has a new conviction(s) of any of the criminal offenses enumerated in Section 25, then the employee shall be terminated.

(l) A health care employer or long-term care facility may conditionally employ an applicant for up to 3 months pending the results of a fingerprint-based criminal history record check requested by the Department of Public Health.

(m) The Department of Public Health or an entity responsible for inspecting, licensing, certifying, or registering the health care employer or long-term care facility shall be immune from liability for notices given based on the results of a fingerprint-based criminal history record check.

(Source: P.A. 95-120, eff. 8-13-07.)

(225 ILCS 46/35)

Sec. 35. (Repealed).

(Source: P.A. 91-598, eff. 1-1-00. Repealed by P.A. 95-120, eff. 8-13-07.)

(225 ILCS 46/40)

## Sec. 40. Waiver.

(a) Any student, applicant, or employee listed on the Health Care Worker Registry may request a waiver of the prohibition against employment by:

- (1) completing a waiver application on a form prescribed by the Department of Public Health;
- (2) providing a written explanation of each conviction to include (i) what happened, (ii) how many years have passed since the offense, (iii) the individuals involved, (iv) the age of the applicant at the time of the offense, and (v) any other circumstances surrounding the offense; and
- (3) providing official documentation showing that all fines have been paid, if applicable and except for in the instance of payment of court-imposed fines or restitution in which the applicant is adhering to a payment schedule, and the date probation or parole was satisfactorily completed, if applicable.

(b) The applicant may, but is not required to, submit employment and character references and any other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, patients, or clients.

(c) The Department of Public Health must inform health care employers if a waiver is being sought by entering a record on the Health Care Worker Registry that a waiver is pending and must act upon the waiver request within 30 days of receipt of all necessary information, as defined by rule. Except in cases where a rehabilitation waiver is granted, a letter shall be sent to the applicant notifying the applicant that he or she has received an automatic waiver.

(d) An individual shall not be employed from the time that the employer receives a notification from the Department of Public Health based upon the results of a fingerprint-based criminal history records check containing disqualifying conditions until the time that the individual receives a waiver.

(e) The entity responsible for inspecting, licensing, certifying, or registering the health care employer and the Department of Public Health shall be immune from liability for any waivers granted under this Section.

(f) A health care employer is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver under this Section.

(Source: P.A. 95-120, eff. 8-13-07; 95-545, eff. 8-28-07; 95-876, eff. 8-21-08; 96-565, eff. 8-18-09.)

(225 ILCS 46/45)

Sec. 45. Application fees. Except as otherwise provided in this Act, the student, applicant, or employee, other than a nurse aide, may be required to pay all related application and fingerprinting fees including, but not limited to, the amounts established by the Department of State Police to process fingerprint-based criminal history records checks. If a health care employer certified to participate in the Medicaid program pays the fees, the fees shall be a direct pass-through on the cost report submitted by the employer to the Medicaid agency.

(Source: P.A. 95-120, eff. 8-13-07.)

(225 ILCS 46/50)

Sec. 50. Health care employer files. The health care employer shall retain on file for a period of 5 years records of criminal records requests for all employees. The health care employer shall retain a copy of the disclosure and authorization forms, a copy of the livescan request form, all notifications resulting from the fingerprint-based criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the agency responsible for inspecting, licensing, or certifying the health care employer. A fine of up to \$500 may be imposed by the appropriate agency for failure to maintain these records. The Department of Public Health must keep an electronic record of criminal history background checks for an individual for as long as the individual remains active on the Health Care Worker Registry. (Source: P.A. 95-120, eff. 8-13-07.)

(225 ILCS 46/55)

Sec. 55. Immunity from liability. A health care employer shall not be liable for the failure to hire or to retain an applicant or employee who has been convicted of committing or attempting to commit one or more of the offenses enumerated in subsection (a) of Section 25 of this Act. However, if an employee is suspended from employment based on the results of a criminal background check conducted under this Act and the results prompting the suspension are subsequently found to be inaccurate, the employee is entitled to recover backpay from his or her health care employer for the suspension period provided that the employer is the cause of the inaccuracy. The Department of Public Health is not liable for any hiring decisions, suspensions, or terminations.

No health care employer shall be chargeable for any benefit charges that result from the payment of unemployment benefits to any claimant when the claimant's separation from that employer occurred because the claimant's criminal background included an offense enumerated in subsection (a) of Section 25, or the claimant's separation from that health care employer occurred as a result of the claimant violating a policy that the employer was required to maintain pursuant to the Drug Free Workplace Act.

(Source: P.A. 95-120, eff. 8-13-07.)

(225 ILCS 46/60)

Sec. 60. Offense.

(a) Any person whose profession is job counseling who knowingly counsels any person who has been convicted of committing or attempting to commit any of the offenses enumerated in subsection (a) of Section 25 to apply for a position with duties involving direct contact with a client, patient, or resident of a health care employer or a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents of a long-term care facility shall be guilty of a Class A misdemeanor unless a waiver is granted pursuant to Section 40 of this Act.

(b) Subsection (a) does not apply to an individual performing official duties in connection with the administration of the State employment service described in Section 1705 of the Unemployment Insurance Act.

(Source: P.A. 95-120, eff. 8-13-07.)

(225 ILCS 46/65)

Sec. 65. Health Care Worker Task Force. A Health Care Worker Task Force shall be appointed to study and make recommendations on statutory changes to this Act.

(a) The Task Force shall monitor the status of the implementation of this Act and monitor complaint investigations relating to this Act by the Department on Aging, Department of Public Health, Department of Professional Regulation, and the Department of Human Services to determine the criminal background, if any, of health care workers who have had findings of abuse, theft, or exploitation.

(b) The Task Force shall make recommendations concerning modifications to the list of offenses enumerated in Section 25, including time limits on all or some of the disqualifying offenses, and any other necessary or desirable changes to the Act.

(c) In the event that proposed rules or changes are properly submitted to the Task Force and the Task Force fails to advise the Department within 90 days after receipt of the proposed rules or changes, final action shall be deemed to have been taken by the Task Force concerning the proposed rules or changes.

(d) The Task Force shall be composed of the following members, who shall serve without pay:

(1) a chairman knowledgeable about health care issues, who shall be appointed by the Governor;

(2) the Director of Public Health or his or her designee;

(3) the Director of State Police or his or her designee;

(3.5) the Director of Healthcare and Family Services or his or her designee;

(3.6) the Secretary of Human Services or his or her designee;

(3.7) the Director of Aging or his or her designee;

(4) 2 representatives of health care providers, who shall be appointed by the Governor;

(5) 2 representatives of health care employees, who shall be appointed by the Governor;

(5.5) a representative of a Community Care homemaker program, who shall be appointed by the Governor;

(6) a representative of the general public who has an interest in health care, who shall be appointed by the Governor; and

(7) 4 members of the General Assembly, one appointed by the Speaker of the House, one appointed by the House Minority Leader, one appointed by the President of the Senate, and one appointed by the Senate Minority Leader.

(e) The Task Force shall meet at least quarterly, and more frequently at the discretion of the chairperson. Task Force members shall serve until a replacement is sworn and qualified. Nine members appointed to the Task Force constitutes a quorum.

(Source: P.A. 95-331, eff. 8-21-07; 95-987, eff. 10-3-08.)

(225 ILCS 46/70)

Sec. 70. Centers for Medicare and Medicaid Services (CMMS) grant.

(a) In this Section:

"Centers for Medicare and Medicaid Services (CMMS) grant" means the grant awarded to and distributed by the Department of Public Health to enhance the conduct of criminal history records checks of certain health care employees. The CMMS grant is authorized by Section 307 of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003, which establishes the framework for a program to evaluate national and state background checks on prospective employees with direct access to patients of long-term care facilities or providers.

"Selected health care employer" means any of the following selected to participate in the CMMS grant:

- (1) a community living facility as defined in the Community Living Facility Act;
- (2) a long-term care facility as defined in the Nursing Home Care Act;
- (3) a home health agency as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;
- (4) a full hospice as defined in the Hospice Licensing Act;
- (5) an establishment licensed under the Assisted Living and Shared Housing Act;
- (6) a supportive living facility as defined in the Illinois Public Aid Code;
- (7) a day training program certified by the Department of Human Services;
- (8) a community integrated living arrangement operated by a community mental health and developmental service agency as defined in the Community Integrated Living Arrangements Licensing and Certification Act; or
- (9) a long-term care hospital or hospital with swing beds.

(b) Selected health care employers shall be phased in to participate in the CMMS grant between January 1, 2006 and January 1, 2007, as prescribed by the Department of Public Health by rule.

(c) With regards to individuals hired on or after January 1, 2006 who have direct access to residents, patients, or clients of the selected health care employer, selected health care employers must comply with Section 25 of this Act.

"Individuals who have direct access" includes, but is not limited to, (i) direct care workers as described in subsection (a) of Section 25; (ii) individuals licensed by the Department of Financial and Professional Regulation, such as nurses, social workers, physical therapists, occupational therapists, and pharmacists; (iii) individuals who provide services on site, through contract; and (iv) non-direct care workers, such as those who work in environmental services, food service, and administration.

"Individuals who have direct access" does not include physicians or volunteers.

The Department of Public Health may further define "individuals who have direct access" by rule.

(d) Each applicant seeking employment in a position described in subsection (c) of this Section with a selected health care employer shall, as a condition of employment, have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and



manner for requesting and furnishing criminal history record information by the Department of State Police and the Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall not exceed the actual cost of the records check and shall be deposited into the State Police Services Fund. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department of Public Health.

(e) A selected health care employer who makes a conditional offer of employment to an applicant shall:

(1) ensure that the applicant has complied with the fingerprinting requirements of this Section;

(2) complete documentation relating to any criminal history record, as revealed by the applicant, as prescribed by rule by the Department of Public Health;

(3) complete documentation of the applicant's personal identifiers as prescribed by rule by the Department of Public Health; and

(4) provide supervision, as prescribed by rule by the licensing agency, if the applicant is hired and allowed to work prior to the results of the criminal history records check being obtained.

(f) A selected health care employer having actual knowledge from a source that an individual with direct access to a resident, patient, or client has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of this Act shall contact the licensing agency or follow other instructions as prescribed by administrative rule.

(g) A fingerprint-based criminal history records check submitted in accordance with subsection (d) of this Section must be submitted as a fee applicant inquiry in the form and manner prescribed by the Department of State Police.

(h) This Section shall be inapplicable upon the conclusion of the CMMS grant.

(Source: P.A. 94-665, eff. 1-1-06; 94-931, eff. 6-26-06; 95-331, eff. 8-21-07.)

(225 ILCS 46/90)

Sec. 90. (Amendatory provisions; text omitted).

(Source: P.A. 89-197, eff. 7-21-95; text omitted.)

(225 ILCS 46/95)

Sec. 95. (Amendatory provisions; text omitted).

(Source: P.A. 89-197, eff. 7-21-95; text omitted.)

(225 ILCS 46/99)

Sec. 99. Effective date. This Act takes effect upon becoming law.

(Source: P.A. 89-197, eff. 7-21-95.)



Attachment D - Forms,  
examples, applications,  
instructions, etc.

Rod R. Blagojevich, Governor  
Eric E. Whitaker, M.D., M.P.H., Director

525-535 West Jefferson Street • Springfield, Illinois 62761-0001 • [www.idph.state.il.us](http://www.idph.state.il.us)

July 02, 2012

### **Background Check(s) Cannot Be Accepted**

The Health Care Worker Registry has received the enclosed criminal history records report(s). In order for the individual(s) in the report(s) to be listed on the Registry with his or her background check results, the Department must have the following:

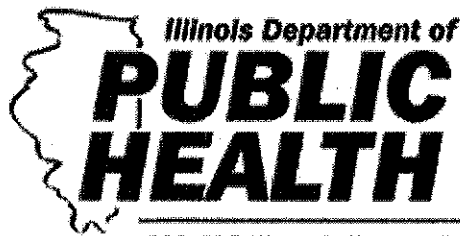
- \_\_\_\_\_ Social Security Number of the individual(s) written on the report.
- \_\_\_\_\_ Be processed through the Illinois State Police
- \_\_\_\_\_ State the minimum information of Name, Race, Date of Birth and Sex
- \_\_\_\_\_ Be for an unlimited time not just five or seven years, etc.

Please provide a background check(s) with the appropriate information and we will add the background check information to the Health Care Worker Registry. Once we are able to post the information to the registry it may be viewed on the Department's web site: <http://www.idph.state.il.us/nar>

**Health Care Worker Registry**  
**525 W. Jefferson St. Fourth Floor**  
**Springfield, IL 62761**  
**Phone: (217) 785-5133**  
**Fax: (217) 524-0137**

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Pat Quinn, Governor  
Damon T. Arnold, M.D., M.P.H., Director

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July 02, 2012

### **Background Check Showed Disqualifying Convictions**

Please be advised that your criminal history records check has been completed. The records revealed a criminal conviction(s). Pursuant to the Health Care Worker Background Check Act [225 ILCS 46] you have a conviction(s) that prohibits you from being hired, employed or retained by a health care employer or long-term care facility. A copy of the conviction(s) provided to the Department by the Illinois State Police is enclosed. If you believe there is an error in the information provided, please contact the Illinois State Police.

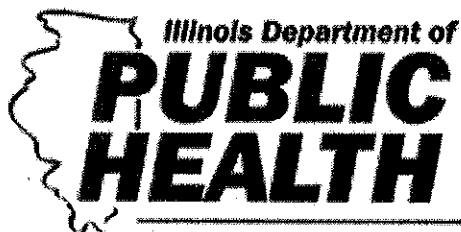
An applicant, employee, student or nurse assistant/aide may request a waiver of the prohibition against employment. A waiver may be granted or denied depending on the convictions; the age of the individual at the time the crime was committed; the length of time that has past since the crime was committed; the individual's criminal history since the time of the disqualifying conviction; and other evidence provided by the individual that demonstrates the individual's ability to perform the employment responsibilities competently and not pose a threat to the health or safety of residents, patients, or clients.

No individual with a disqualifying offense can legally be hired, employed or retained by a health care employer or long-term care facility unless a waiver request is granted. The waiver process can be initiated, if you choose to do so, by completing and submitting the enclosed Waiver Application to:

**Health Care Worker Registry  
525 W. Jefferson St. Fourth Floor  
Springfield, IL 62761  
Phone: (217) 785-5133  
Fax: (217) 524-0137**

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July 02, 2012

Dear Waiver Applicant:

Per your request, please find enclosed a Waiver Application and information about requesting a waiver. Please be advised that you must have an Illinois State Police fingerprint-based criminal history records check that is conducted pursuant to the Health Care Worker Background Check Act. After you have fully completed the Waiver Application, return it to the address listed below and you will be sent a A Livescan Request Form which must be used to get your fingerprint background check. Once you receive the Livescan Request Form you are required to take the form to one of the four contracted livescan vendors listed on the form. You or your health care employer must pay for the background check. The Registry will usually receive your background check results in about 48 hours after your fingerprints have been collected.

**Health Care Worker Registry**  
**525 W. Jefferson St. Fourth Floor**  
**Springfield, IL 62761**  
**Phone: (217) 785-5133**  
**Fax: (217) 524-0137**

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## **Facts About**

### **WAIVER APPLICATION FOR HEALTH CARE OR ACCESS WORKER** **Illinois Department of Public Health**

Health Care Worker Registry, 525 W. Jefferson St. 4<sup>th</sup> Fl., Springfield, IL 62761 Phone (217) 785-5133

1. If individuals have certain criminal convictions State law prevents hospitals and home health agencies from hiring them as direct care workers and long-term care facilities from hiring them as workers who have or may have access to residents, their living quarters or their financial, medical, or personal records.
2. A waiver does not change your criminal record but it does allow an employer to hire you as a direct care worker or an access worker.
3. You will probably not be granted a waiver if any of the following are true
  - a. You are still on probation, parole, or incarcerated
  - b. Your victim was an elderly or disabled person
  - c. You have several convictions in recent years
  - d. You have violent crimes
  - e. Your crime is any type of murder, sexual assault, aggravated battery, armed robbery, exploitation of a child, child pornography, or kidnapping.
4. You may have been convicted and not sent to jail. An individual may be fined, given probation or conditional discharge and it still be considered a conviction. If you are unsure whether an arrest or charge became a conviction, contact the Circuit Clerk of the county in which you were arrested.
5. A waiver does not have to be renewed. A waiver is in effect until you have a new conviction. If you do get a new conviction, your waiver is automatically revoked. The Health Care Worker Registry reflects the fact that you do have a waiver in effect. Health care employers may verify that you have a waiver by checking the web site for the registry which is <http://www.idph.state.il.us/nar/home.htm>.
6. If you have pending convictions or about to have a conviction expunged, please wait until the change is reflected on your fingerprint-based criminal history records check before applying for a waiver.
7. If your waiver application was denied, it may be reconsidered at a later date. The amount of time since your last conviction, the severity of your conviction, and the circumstance surrounding your conviction are all considered in determining whether a waiver is granted.



State of Illinois  
Illinois Department of Public Health

## HEALTH CARE WORKER WAIVER APPLICATION

### Illinois Department of Public Health

Health Care Worker Registry, 525 W. Jefferson St., Fourth Floor, Springfield, IL 62761  
Phone 217-785-5133 Fax 217-524-0137 E-mail DPH.HCWR@Illinois.gov

All information requested on this application must be provided before you will be considered for a waiver. Type or print clearly in ink.

Today's Date \_\_\_\_\_

Name \_\_\_\_\_ (First, Full Middle and Last)  
Address \_\_\_\_\_ (Street, Apartment #, P. O. Box)  
\_\_\_\_\_  
(City, State, ZIP Code)

Maiden Name (or other name(s) used) \_\_\_\_\_

Telephone \_\_\_\_\_

Social Security Number (required) \_\_\_\_\_

I hereby authorize the Illinois Department of Public Health, the Department's designee that trains or tests health care workers, a staffing agency, or the health care employer to request a fingerprint-based criminal history records check submitted as a fee applicant inquiry requested by the Department. I further authorize the Illinois State Police (ISP) to release information relative to the existence or nonexistence of any criminal record which it might have concerning me to the requestor solely to determine my suitability for employment or continued employment. I further authorize any agency that maintains records relating to me, including but not limited to the Federal Bureau of Investigation or a local unit of government, to provide same on request to the ISP or the Department. I certify that the ISP and any agency, including the Department, their employees or officers who furnish this information shall be held harmless from any and all liability which may be incurred as a result of releasing such information. I further acknowledge that a health care employer shall not be liable for the failure to hire or retain an applicant or employee who has been convicted of committing or attempting to commit one or more of the offenses stated in the Health Care Worker Background Check Act (225 ILCS 46/25).

I understand that the information requested below regarding sex, race, height, eye color, and date of birth is for the sole purpose of identification, the gathering of the above mentioned information and the processing of this waiver application. This information will not be used to discriminate against me in violation of the law. I understand that the provision of my Social Security number is required by law. A facsimile or photographic copy of this authorization will be as valid as the original.

☐ Male ☐ Female Race \_\_\_\_\_ Height \_\_\_\_\_ Eye Color \_\_\_\_\_ Date of Birth \_\_\_\_\_  
(Enter a letter from below):

- A Chinese, Japanese, Filipino, Korean, Polynesian, Indian, Indonesian, Asian Indian, Samoan, or any other Pacific Islander
- B Black or African American (Not Hispanic or Latino)
- H Hispanic or Latino (Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin)
- I American Indian, Eskimo, or Alaskan native, or a person having origins in any of the 48 contiguous states of the United States or Alaska who maintains cultural identification through tribal affiliation or community recognition.
- U Of undetermined race or of untold mixture
- W Caucasian (not Hispanic or Latino)

**Work History – If you have previously been employed, you must provide an entire work history or attach a complete resume. Start with your current employer. Attach addition pages if necessary.**

Employer \_\_\_\_\_ Date Started \_\_\_\_\_ Separation Date \_\_\_\_\_

Employer's Address, City, State, ZIP Code \_\_\_\_\_

Employer \_\_\_\_\_ Date Started \_\_\_\_\_ Separation Date \_\_\_\_\_

Employer's Address, City, State, ZIP Code \_\_\_\_\_

Other states where you have lived or worked \_\_\_\_\_

If the use of alcohol or other drugs was involved in the offense, were you ordered to participate in a rehabilitation program as part of the judgment? ☐ Yes ☐ No If yes, you must provide proof of successful completion of the rehabilitation program.

Were you required to pay a fine in connection to a disqualifying offense? ☐ Yes ☐ No If yes, you must provide proof of having paid all fines unless you are on a payment schedule. If on a payment schedule, you must provide proof that you are up-to-date on the schedule.

If you were released on probation (or mandatory supervised release) or parole, you must provide proof of having successfully completed it.

Have you been certified as a nurse aide/assistant in another state? ☐ Yes ☐ No If yes, you must attach a copy of your certification or verification information (such as your certification number \_\_\_\_\_).

Name used when certified \_\_\_\_\_. If your current name is different, please attach a copy of the legal document(s) used to change your name (i.e. marriage certificate, divorce decree, etc.) and a copy of your driver's license or other picture identification.

Have you ever had an administrative finding of abuse, neglect or theft? ☐ Yes ☐ No

If "yes," indicate in what state this finding was issued. \_\_\_\_\_

Have you ever been convicted of a criminal offense, other than a minor traffic violation? ☐ Yes ☐ No

If "yes," provide the circumstance surrounding each offense (what happened, how many years have passed since the offense, the individuals involved, your age at the time of the offense, and any other circumstances surrounding the offense) as well as the state in which you were convicted. If you have been convicted in another state; you must provide information concerning those convictions or attach the complete results of a criminal history records check from that state. If you have a federal conviction, you must provide information concerning that conviction or attach the complete results of a criminal history records check from the Federal Bureau of Investigation. If more space is needed, please attach additional pages. Do not include convictions that have been expunged, sealed or were a juvenile adjudication.

A copy of the following items may be submitted with this application but are not required. (This material will not be returned to you)

1. A current or recent employment reference.
2. A character reference.
3. Other evidence demonstrating the ability of the applicant to perform the employment responsibilities competently and evidence that the applicant does not pose as a threat to the health or safety of residents, patients or clients.

I certify that the above is true and correct and give my consent for my name to appear on the Department's Health Care Worker Registry with the results of my criminal history records check.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

As the parent or guardian of the above named individual, who is younger than the age of 17, I give my consent for this named individual to have a criminal history records check.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Mail this completed form to Illinois Department of Public Health, Health Care Worker Registry, 525 W. Jefferson St., Fourth Floor, Springfield, IL 62761. The Department will send you a Livescan Request Form by return mail. You will use the Livescan Request Form to have your fingerprints collected from one of the contracted livescan vendors.**



State of Illinois  
Illinois Department of Public Health

## Health Care Worker Background Check

### Authorization and Disclosure for Criminal History Records Information (CHRI) Check

I hereby authorize the Illinois Department of Public Health (the Department), the Department's designee, educational entities that train and/or test health care workers, staffing agencies, my current or potential employer, or a health care facility where I want to volunteer to initiate/request a CHRI check on me. I further authorize the Illinois State Police (ISP) and/or the Federal Bureau of Investigation (FBI) to release information relative to the existence or nonexistence of any criminal record, which it might have concerning me, to any initiator/requestor solely to determine my suitability for training or testing in a health care training program, employment, continued employment, or to work as a volunteer. I further authorize any entity that maintains criminal records relating to me, including but not limited to a local unit of government in any State, to release those records to the ISP, FBI, or the Department. I authorize the Department to provide any health care facility, training program, or staffing agency, to which I have provided this authorization and disclosure form, a copy of my ISP CHRI and a determination of eligibility of the FBI CHRI. I certify that the ISP, FBI, any entity that maintains criminal records, the Department, and any of their employees or officers who furnish this information shall be held harmless from all liability, which may be incurred as a result of releasing such information. I further acknowledge that a educational entity or health care employer shall not be liable for the failure to hire or retain me as an applicant, student, employee, or volunteer if I have been convicted of committing or attempting to commit one or more of the offenses stated in the Health Care Worker Background Check Act (225 ILCS 46/25)

I understand that any false statements or deliberate omissions on this document may be grounds for disqualification from employment, training, or volunteering, if discovered after employment, training, or volunteering begins, and can result in discipline up to and including my termination of employment, being a volunteer, or a student.

I understand that the information requested below regarding gender, race, height, eye color, hair color, weight, place of birth and date of birth is for the sole purpose of identification and the accurate gathering of the criminal history record information, and that it will not be used to discriminate against me in violation of the law. I understand that the provision of my Social Security number is required by law. A facsimile or photographic copy of this authorization will be as valid as the original.

First Name \_\_\_\_\_ Full Middle Name \_\_\_\_\_ Last Name \_\_\_\_\_

Mailing Address \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_

Other Names Used \_\_\_\_\_ Telephone \_\_\_\_\_ - \_\_\_\_\_

States Where You Have Lived? \_\_\_\_\_ Place of Birth (State or Country if not US): \_\_\_\_\_ Hair Color \_\_\_\_\_ Weight \_\_\_\_\_

☐ Male ☐ Female Date of Birth \_\_\_\_\_ Height \_\_\_\_\_ Eye Color \_\_\_\_\_ Social Security Number \_\_\_\_\_ - \_\_\_\_\_

- Race    A    Chinese, Japanese, Filipino, Korean, Polynesian, Indian, Indonesian, Asian Indian, Samoan, or any other Pacific Islander.  
          B    Black or African American (Not Hispanic or Latino)  
          H    Hispanic or Latino (Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin)  
          I    American Indian, Eskimo, or Alaskan native, or a person having origins in any of the 48 contiguous states of the United States or Alaska who maintains cultural identification through tribal affiliation or community recognition.  
          U    Of undeterminable race. Of untold mixture.  
          W    Caucasian (not Hispanic or Latino)

Have you ever had an administrative finding of Abuse, Neglect or Theft? ☐ Yes ☐ No    If "Yes," give full details and state. Continue on back if more space is needed.

Have you ever been convicted of a criminal offense other than a minor traffic violation (do not include convictions that have been expunged, sealed or adjudicated delinquent)? ☐ Yes ☐ No    If "Yes," give full details of each offense and the state in which convicted. Continue on back if more space is needed.

I certify that the above is true and correct and give my consent for my name to appear on Department's Health Care Worker Registry with the results of my criminal history records check.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

As the parent or guardian of the above named individual, who is younger than the age of 17, I give my consent for this named individual to have a criminal history records check.

\_\_\_\_\_  
(Signature of Parent or Guardian when applicable)

\_\_\_\_\_  
(Date)

Health Care Worker Registry, 525 W. Jefferson St., Springfield, IL 62761 Phone: 217-785-5133





Pat Quinn, Governor  
Damon T. Arnold, M.D., M.P.H., Director

525-535 West Jefferson Street • Springfield, Illinois 62761-0001 • [www.idph.state.il.us](http://www.idph.state.il.us)

July 02, 2012

Dear Health Care Worker Applicant:

Health Care Workers subject to the Health Care Worker Background Check Act (the Act) must have an Illinois State Police fingerprint-based criminal history records check recorded on the Health Care Worker Registry, that has been conducted pursuant to that Act. These health care workers are prohibited from working if the worker has a disqualifying offense, unless a waiver been granted.

A Livescan Request form is enclosed to be used in having your fingerprints collected. You must take this Livescan Request Form to one of the four livescan vendors contracted by the Department. The vendors are listed on the form. Any other type of background check will not be accepted.

Your background check results will be sent directly to the Department. You will receive written notice when your application has been processed.

**Health Care Worker Registry**  
**525 W. Jefferson St. Fourth Floor**  
**Springfield, IL 62761**  
**Phone: (217) 785-5133**  
**Fax: (217) 524-0137**

***Improving public health. One community at a time.***

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Application Number: [REDACTED]

ORI: [REDACTED]

Date of Request: [REDACTED]

**Livescan Fingerprint Request**  
**Illinois Department of Public Health**  
**Health Care Worker Registry, 525 W. Jefferson St. 4th Fl., Springfield, IL 62761**  
**Phone (217) 785-5133 Fax (217) 524-0137 E-mail DPH.HCWR@Illinois.gov**

You have received this form because you have applied for a position with a health care employer, enrolled in a health care training program, want to be considered equivalent to an Illinois CNA, or applied for a waiver of disqualifying convictions. You must have a fingerprint criminal history records check requested by the Illinois Department of Public Health and submitted to the Illinois Department of State Police as a fee applicant inquiry. Your fingerprints must be collected from a livescan vendor contracted by the Department of Public Health. No other fingerprinting vendors are authorized to participate in this program. As a result of this background check, you will be listed on the Health Care Worker Registry.

**You have only ten working days from the time you signed the authorization form to have your fingerprints collected by one of the Department's contracted vendors or be suspended.**

Vendor	Phone	Area of Service
Accurate Biometrics, Inc. (www.accuratebiometrics.com)	1-866-361-9944 No appointment necessary	Statewide
FIRM Systems (www.firmsystems.net)	1-866-721-1203	Statewide
L-1 Enrollment Services (www.l1enrollment.com)	1-800-377-2080	Statewide
Metropolitan Chicago Healthcare Council (MCHC) (www.mchc.com)	1-877-746-0643 Appointments only	Statewide

\*The Illinois State Police fees are included in the amount the vendor charges the applicant.

**You must present current, valid government-issued photo identification or other valid photo identification.**

Applicant: [REDACTED]

SSN: [REDACTED]

Mailing Address: [REDACTED]

Sex: [REDACTED]

Race: [REDACTED]

Height: [REDACTED]

Eyes: [REDACTED]

Date of Birth: [REDACTED]

Hair Color: [REDACTED]

Weight: [REDACTED]

Place of Birth (State or Country if not US): [REDACTED]

Telephone: [REDACTED]

Fingerprints to be submitted to: ☒ State Police

I verify that the above information is true and correct.

Requesting Facility: 1002479

1A HCWRRegistry Initiated BGCheck

Applicant Signature: \_\_\_\_\_

Address: 525 W. Jefferson  
Springfield, IL 62761

TCN: \_\_\_\_\_

**Return this portion to the facility that gave you this request form.**

Full Name: Adora Carlos Torreno

Application Number: 848050

On: \_\_\_\_\_

Date

In: \_\_\_\_\_ Vendor: \_\_\_\_\_

City, State

TCN: \_\_\_\_\_

\_\_\_\_\_  
(Technician's signature)



add info

Pat Quinn, Governor  
Damon T. Arnold, M.D., M.P.H., Director

625-636 West Jefferson Street • Springfield, Illinois 62761-0001 • [www.idph.state.il.us](http://www.idph.state.il.us)

September 15, 2011

[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

Please be advised that the waiver application you submitted, under the Health Care Worker Background Check Act [225 ILCS 46], was received on 6/16/2011.

You are required to submit a complete explanation of each conviction. Include what happened, who was involved, where you were, your age when the offense occurred, why the offense happened, circumstances surrounding the crime, and any other information that would assist the Department in understanding the situation.

The Department has requested additional information but has not received the details required to process your Waiver Application. Please find enclosed the materials that you have submitted. If you later choose to submit another application, please provide all the requested information and mail it to the address listed below. Our current forms are on this Web site: [www.idph.state.il.us/nar/home.htm](http://www.idph.state.il.us/nar/home.htm)

If you have a background check conducted in connection with a waiver application, it will result in you being listed, with the background check results, on the Health Care Worker Registry. If and when the Department determines that you meet the requirements to be granted a waiver that will also be reflected on the registry. Health care employers are required to verify your status on the registry before hiring you. This registry may be accessed at the following web site:  
<http://www.idph.state.il.us/nar/home.htm>

Health Care Worker Registry  
525 W. Jefferson St. Fourth Floor  
Springfield, IL 62761  
Phone: (217) 785-5133  
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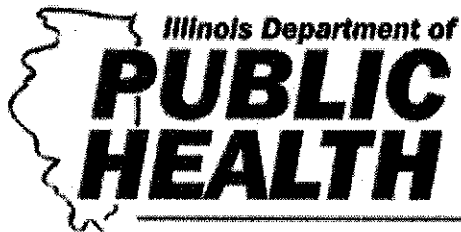
July 02, 2012

If you have a background check conducted in connection with a waiver application, it will result in you being listed, with the background check results, on the Health Care Worker Registry. If and when the Department determines that you meet the requirements to be granted a waiver that will also be reflected on the registry. Health care employers are required to verify your status on the registry before hiring you. This registry may be accessed at the following web site:  
<http://www.idph.state.il.us/nar/home.htm>

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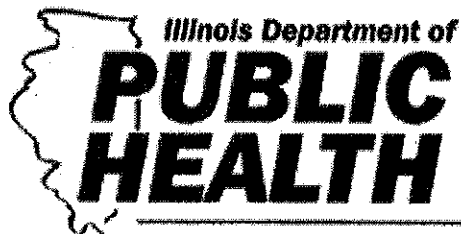
July 02, 2012

The Department must receive the above information within 45 days. If the information is not received your waiver application will be returned to you unprocessed

**Health Care Worker Registry**  
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**Fax: (217) 524-0137**

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*Waiver Complete*

Pat Quinn, Governor  
Damon T. Arnold, M.D., M.P.H., Director

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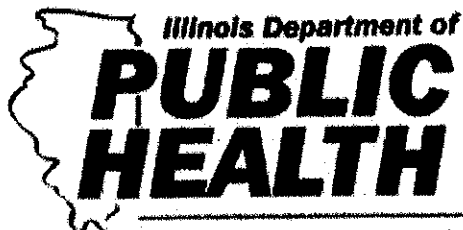
July 02, 2012

Please be advised that the waiver application you have submitted under the Health Care Worker Background Check Act [225 ILCS 46], has been received and will be submitted for consideration at the next waiver committee meeting. If the committee deems your application complete a determination will be made. The waiver committee meetings are held about every three weeks. When a determination has been made by the committee you will receive a letter with the results.

Health Care Worker Registry  
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Pat Quinn, Governor

Damon T. Arnold, M.D., M.P.H., Director

June 25 2012

[REDACTED]  
[REDACTED]  
[REDACTED] 7

RE: Waiver Granted

Dear [REDACTED]:

Please be advised that your fingerprint-based criminal history records check has been completed. The records revealed a criminal conviction(s). Pursuant to the Health Care Worker Background Check Act [225 ILCS 46] you have a conviction(s) that prohibits you from being hired, employed, or retained by a health care employer or long-term care facility. A copy of the conviction(s) provided to the Department by the Illinois State Police is enclosed. If you believe there is an error in the information provided, please contact the Illinois State

1/7/1997

720 ILCS 5/16-1 Theft

After giving consideration to the type of conviction(s), your age at the time of the crime, the length of time that has passed since the crime, and your criminal history since the time of the disqualifying conviction, a waiver request was automatically initiated on your behalf.

A waiver has been granted for the specific offense(s) and date(s) listed above. This waiver is invalid if you are found guilty of committing or attempting to commit any additional offense(s) listed in Section 25 of the Health Care Worker Background Check Act [225 ILCS 46/25]

Sincerely,

A handwritten signature in cursive script that reads "Toni Colón".

Toni Colón  
Deputy Director  
Office of Health Care Regulation

Demiel



Pat Quinn, Governor  
LaMar Hasbrouck, MD, MPH, Director

525-535 West Jefferson Street • Springfield, Illinois 62761-0001 • [www.idph.state.il.us](http://www.idph.state.il.us)

6/13/2012

[REDACTED]  
[REDACTED]  
[REDACTED]

Re: Waiver Denied

Dear [REDACTED]:

The Health Care Worker Background Check Act [225 ILCS 46] is a law that specifically identifies many offenses that prohibit an individual from working in health care. This law was passed to protect those individuals in the health systems that are ill, aged, or disabled. The law has a provision for a waiver process to address the individual's application to have the general prohibition to work waived. Your waiver application was submitted under that provision.

Every waiver is given careful, ponderous consideration based upon the requirements in the law, the information in your waiver application, and the offense(s) listed in your criminal history record. If you feel that there is an error in your conviction(s) listed below, please contact the Illinois State Police at 815-740-5160.

6/13/2006 [REDACTED] 720 ILCS 5/12-4 Aggravated Battery

Your request for a waiver has been denied. You have been entered on the Health Care Worker Registry, which the public may view at <http://www.idph.state.il.us/nar/home.htm>, as an individual that has a disqualifying conviction(s). This prohibits you from being hired, employed, or retained by a health care employer or long-term care facility.

Sincerely,

Toni Colón  
Deputy Director  
Office of Health Care Regulation

McClendon,  
Kimberly



**Waiver Application**

Waiver Number:

Applicant:

Address:

Waiver Application Received

Received Fingerprint BGC Results

Waiver Request Complete

☐ Rehabilitation Required & Completed☐ Parole - Mandatory Supervised Release - Probation Required & Completed☐ Fine Issued and Paid or Payment Schedule Up-To-Date ☐ Employment Reference Received☐ CNA ☐ CNA or DD Aide at time of Conviction ☐ Character Reference Received☐ Administrative Finding in Illinois or Another State ☐ Additional Information Received**Illinois Approved Training Program:****Illinois Administrative Findings:****Disqualifying Offense****Other Information:**

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☐ Committee requests additional specific information before giving consideration. Application deemed incomplete.

Review Date: \_\_\_\_\_ GRANTED / DENIED based on the following

**Reason For Denial**

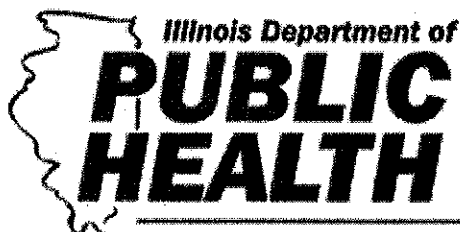
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Committee member's please sign below indicating that you participated in deciding the results of this waiver application:



Pat Quinn, Governor  
Damon T. Arnold, M.D., M.P.H., Director

525-535 West Jefferson Street • Springfield, Illinois 62761-0001 • [www.idph.state.il.us](http://www.idph.state.il.us)

July 02, 2012

Dear Waiver Appeal Applicant:

An appeal process is available for individuals who have been denied a waiver because of a conviction for committing or attempting to commit one or more offenses listed in Appendix A of 77 Adm. Ill. 955. These offenses may be viewed at <http://www.idph.state.il.us/nar/disconvictions.htm#disqualify>. All of the following must be provided for an appeal to be considered:

- A) A letter appealing the denial of the waiver, in which the applicant states his or her reasons for requesting the appeal;
- B) The original waiver application that was completed pursuant to Section 955.260 and any additional information provided when the waiver was denied;
- C) A copy of the police report generated at the time of arrest for all disqualifying convictions listed in Section 955.160; and
- D) A transcript of the trial or court proceedings for all disqualifying convictions listed in Section 955.160.

An appeal will be denied unless the applicant meets the following requirements and submits documentation with the appeal:

- A) Except in the instance of payment of court-imposed fines or restitutions in which the applicant is adhering to a payment schedule, the applicant shall have met all obligations to the court and under terms of parole (i.e., probation or mandatory supervised release has been successfully completed) 10 or more years prior to the submission of the appeal;
- B) The applicant shall have satisfactorily completed a drug and/or alcohol recovery program 10 or more years prior to the submission of the appeal, if drugs and/or alcohol were involved in the disqualifying offense and the individual was ordered to participate in a rehabilitation program as part of the judgment. The applicant shall not have been ordered to participate in another drug and/or alcohol program during the 10 years prior to the submission of the appeal for any offense.

The Director or designee will consider the information submitted with the appeal application and the results of a fingerprint-based criminal history records check to determine whether to grant a waiver as a result of an appeal. If the Director or designee determines that the applicant does not pose a threat to the health or safety of residents, patients, or clients, the Director will issue a waiver.

**Health Care Worker Registry  
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## Deputy Director's Comments on Waiver Appeals

**Waiver Number:** **Name:**

**Recommend:**

☐ Yes ☐ No

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Deputy Director's Signature \_\_\_\_\_