

Code	Category	5 ILCS	20 ILCS	30 ILCS	50 ILCS	100 ILCS
1	State Employees/Employment	5	2	0	0	0
2	Licensing/Certification/Regulation	3	4	6	0	0
3	State Contracts	0	0	9	0	0
4	Education/Training	0	0	0	2	13
5	Non-occupational licenses	0	0	0	0	0
8	Military/police	0	6	0	2	0
10	Appointed officials	5	4	0	0	2
11	Criminal Justice processing	1	3	0	0	0
14	Child welfare	0	3	0	0	0
15	Regulated private organization	0	1	0	0	0
Total statutes included		14	23	15	4	15
Total statutes eliminated		9	1	2	18	14
Original spreadsheet count		23	24	17	22	29

200 ILCS	300 ILCS	400 ILCS	500 ILCS	600 ILCS	700 ILCS	800 ILCS	Total	Percent
9	0	0	0	0	5	0	21	6%
186	2	6	3	17	10	5	239	70%
0	0	0	0	1	0	0	10	3%
0	0	0	0	0	0	0	15	4%
0	0	3	4	0	0	0	7	2%
0	0	0	0	0	0	0	8	2%
8	0	0	0	2	0	1	22	6%
0	0	5	3	0	0	0	12	4%
4	0	0	0	0	0	0	7	2%
1	0	0	0	1	0	0	3	1%
208	2	14	10	21	15	6	344	100%

14	13	2	1	39	67	11	289
222	15	16	11	60	82	17	633

Task Force on Inventorying Employment Restrictions Act **State Licensing Committee**

Purpose: “Assess restrictions context for licensing/certification by state agencies; review the patterns and consistency of licensing restrictions across similar affected occupations or job titles; assess consequences of changing those restrictions (intended and unintended) for state agencies that hire those restricted occupations.”

3 MODEL RULE SCENARIOS

- **Proposed Ideas:** Create a hybrid model rule from the 3 Model Rules below that can be used agency-wide **OR** create 3 separate models rule from each rule below that can be utilized to depict how to handle each scenario.
- **Goal:** Uniformity (with room to adjust for each agencies particular needs)

A) Certificates of Rehabilitation- Procedure Model Rule (Clerk of the Circuit Ct. website) (The Circuit court that entered a sentence of conviction has exclusive jurisdiction to grant Certificates)

- a. Certificate of Relief from Disabilities (no waiting period for occupational licensing)
 - i. If incarcerated or conviction in another state file application before the Illinois Prisoner Review Board
 - ii. Not incarcerated file application with the Office of the Clerk of the Circuit Court of Cook county
 - b. Certificate of Good Conduct (3 yr. waiting period for relief from general, non-licensing employment bars)
 - i. File before the Illinois Prisoner Review Board
 - ii. Misdemeanors require 1 year of good conduct & Class 1,2,3,4 felonies require 2 years
 - c. Eligibility limitations:
 - i. More than 2 felonies
 - ii. A Class X felony
 - iii. Any felony that resulted in “great bodily harm or permanent disability”
 - iv. Conviction for aggravated DUI or aggravated domestic battery; and
 - v. Offenses that require post-release registration (sex offenses, offenses against children, rape, arson, etc.)
- Dept of Prof. Reg. – advisory opinions

B. Rehabilitation Rule (Positive Personal History)

- a. **Medical Practice Act – Rehabilitation Guidelines**

Model 1: Dept. of Public Health Certified Nurses – Health Care Worker Background Check Act (225 ILCS 46):

- i. Dept. may grant waiver based on the following along with the results of fingerprint check: (examples below...)
 - 1. Age of applicant or employee at time of the offense
 - 2. Written explanation of each conviction
 - 3. Work history
 - 4. Criminal history since the disqualifying conviction
 - 5. Applicants record on another states registry
 - 6. Applicants completion of rehabilitation
 - 7. Documents showing fines have been paid
 - 8. Employment and character references
 - 9. Evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities

Medical Practice Act of 1987: 68 Ill. Admin Code 1285.255:

- a) Upon written application to the Disciplinary Board for restoration of a license or certificate, or for any other relief, the Disciplinary Board shall consider, but is not limited to, the following in determining if the person is to be deemed sufficiently rehabilitated to warrant the public trust:
 - a. The seriousness of the offense that resulted in the disciplinary action being considered or being taken;
 - b. The length of time that elapsed since the disciplinary action was taken;
 - c. The profession, occupation and outside activities in which the applicant has been involved;
 - d. Any counseling, medical treatment, or other rehabilitative treatment received by the applicant
 - e. Continuing medical education courses or other types of courses taken to correct the grounds for the disciplinary action being considered or having been taken;
 - f. The results of a clinical competency examination, designated by the Disciplinary Board, and paid for by the petitioner;
 - g. Written reports and oral testimony by peer review committees or other persons relating to the skill, knowledge, honesty, integrity and contriteness of the applicant;
 - h. Restitution to injured parties;
 - i. Future plans of the applicant;
 - j. Involvement of the applicant's family and friends in his or her rehabilitation process;
 - k. A written report of a physical or mental examination given by a physician selected by the Disciplinary Board and paid for by the person being examined;
 - l. Any other information evidencing rehabilitation that would bear upon the applicant's request for relief or restoration of a license;

- m. Whether the order imposing sanctions was appealed and, if so, whether a reviewing court granted a stay or delay of imposition of the sanction;
- n. The date and disposition of any other petition for restoration filed since the last sanction was imposed; and
- o. Whether there has been compliance with any probationary terms imposed.

C. Waiver System

A) Waiver System

- a. Dept. of Public Health Certified Nurses – Health Care Worker Background Check Act (225 ILCS 46)
- b. DCFS – Child Care Act – Public Act 097-0874 –EEOC guidelines

Model 1: Dept. of Public Health Certified Nurses – Health Care Worker Background Check Act (225 ILCS 46):

- b. **Act:** To work for a health care employer that is governed by the Health Care Worker Check Act, other than a licensed or certified long-term care facility, the CNA must meet the following requirements:
 - i. Have a criminal history records check as prescribed by the Health Care Worker Background Check Act **with no disqualifying convictions.**
 - ii. If individual has disqualifying convictions, he or she **may not work as a CNA** (or in any other position giving direct care) **unless** the CNA has requested and **received a waiver** of those disqualifying convictions.
- c. **Disqualifying convictions MAY be considered w/ waiver:** (77 Ill Adm. Code 955 Section 955.160 – for complete list)
 - i. Unlawful restraint
 - ii. Forcible detention
 - iii. Theft
- d. **“How To” Request Waiver (225 ILCS 46/40):**
 - i. **Waiver:** 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.
 - 2. Providing a written explanation of each conviction to include (i) what happened, (ii) how many years 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
 - ii. 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 on the health or safety of residents, patients, or clients.

- iii. 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...