

DEPARTMENT OF PUBLIC HEALTH

Human Services Agency/Executive Agency

FY14 Headcount: 1,164

<http://www.idph.state.il.us/>

Summary of Agency Operations:

The Department of Public Health (DPH) promotes and protects the health of Illinoisans through the prevention and control of disease and injury. Programs and services include: childhood immunization; food, water and drug testing; hospital and nursing home licensure; infectious diseases control; vital records; health statistics collection and evaluation; newborn screenings for genetic disorders; women's health promotion; and emergency preparedness. These programs touch virtually every age, aspect, and stage of an individual's life and make Illinois a safer and healthier place to live.

Internal Hiring:

Agency positions subject to restrictions based on criminal history

Certified Nurse's Assistant;

EMS: Emergency Medical Technician, Emergency Medical Technician Intermediated, Emergency Medical Technician Paramedic & when approved the Advanced Emergency Medical Technician. These licensees could potentially work on Ambulance services, Rescue Squads or in First Aid or Special events locations, i.e. stadiums, race tracks, fair grounds.

This agency is subject to personnel or non-personnel code.

Personnel code agency

Statutory Restrictions Applicable to Internal Hiring:

210 ILCS 47/3-206 (Curriculum for training nursing assistants and aides)

The Department shall prescribe a curriculum for training nursing assistants, habilitation aides, and child care aides.

(a-0.5) An educational entity, other than a secondary school, conducting a nursing assistant, habilitation aide, or child care aide training program shall initiate a criminal history record check in accordance with the Health Care Worker Background Check Act prior to entry of an individual into the training program. A secondary school may initiate a criminal history record check in accordance with the Health Care Worker Background Check Act at any time during or after a training program.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed statute

210 ILCS 47/3-206.02 (Designation on registry for offense)

(a) The Department, after notice to the nursing assistant, habilitation aide, home health aide, or child care aide, may designate that the Department has found any of the following:

Department of Public Health

(4) The nursing assistant, habilitation aide, home health aide, or child care aide has been convicted of (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) any crime that is directly related to the duties of a nursing assistant, habilitation aide, or child care aide.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

225 ILCS 46 (Health Care Worker Background Check)

225 ILCS 46/25 (Persons ineligible to be hired by health care employers and long-term care facilities)

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, 12C-5, 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, 19-6, 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 or the Criminal Code of 2012; 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, subsection (b) of Section 18-1, or subsection (b) of Section 20-1, of the Criminal Code of 1961 or the Criminal Code of 2012; 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 the Criminal Code of 2012 or Section 5.1 of the Wrongs to Children Act; or (ii) violated

Department of Public Health

Section 50-50 of the Nurse Practice Act, unless the applicant or employee obtains a waiver pursuant to Section 40 of this Act.

Restriction Type: Mandatory

Restriction duration: Not mentioned in the above listed statute

225 ILCS 46/33 (Fingerprint-based criminal history records)

(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.

Department of Public Health

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

(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.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

225 ILCS 46/40[a] (Waiver)

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

(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

430 ILCS 115/9 (Administration and enforcement of Act; regulations; revisions of Code; notices; inspections; suspension of issuance of seals)

List of disqualifying offenses (attached)

Year restriction was adopted

October 15, 2004, Sect. 5 Purpose (see attached).

EMS: HB5183's 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.

Background Check Procedures:

(1) Self-disclosure on application

Yes

(2) Background check review procedure

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. The procedure is discussed in the Healthcare Worker Background Check Act and Code (attached).

EMS: 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. 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.

Department of Public Health

Exemption, waiver, or review mechanisms

Administrative Code, Title 77, Chapter 1, Sub chapter u, Part 955, Section 955.260 Application for 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:

B) If the applicant has been convicted in another state, the applicant shall provide information concerning those convictions or attach the complete results of a criminal history records check from the other states;

C) If the applicant has a federal conviction, the applicant shall provide information concerning that conviction or attach the complete results of a criminal history records check from the Federal Bureau of Investigation;

Administrative Code, Title 77, Chapter 1, Sub chapter u, Part 955, Section 955.270 Department Review of Waiver Application

(d) Waivers will not be granted to individuals who have not met the following time frames.

(1) Single disqualifying misdemeanor conviction – no earlier than one year after the conviction date;

Restriction Type: Mandatory

Restriction Duration: No earlier than one year after the conviction date

(2) Two to three disqualifying misdemeanor convictions – no earlier than three years after the most recent conviction date;

Restriction Type: Mandatory

Restriction Duration: No earlier than three year after the most recent conviction date

(3) More than three disqualifying misdemeanor convictions – no earlier than five years after the most recent conviction date;

Restriction Type: Mandatory

Restriction Duration: No earlier than five year after the most recent conviction date

(4) Single disqualifying felony convictions – no earlier than three years after the conviction date;

Restriction Type: Mandatory

Restriction Duration: No earlier than three year after the conviction date

(5) Two to three disqualifying felony convictions – no earlier than five years after the most recent conviction date;

Restriction Type: Mandatory

Restriction Duration: No earlier than five year after the most recent conviction date

Department of Public Health

(6) More than three disqualifying felony convictions – no earlier than ten years after the most recent conviction date.

Restriction Type: Mandatory

Restriction Duration: No earlier than ten year after the most recent conviction date

e) Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the offenses listed in Appendix A of this Part.

g) Appeal Process for Convictions Listed in Appendix A of this Part:

(3) 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.

h) Waiver Revocation

(1) The Department will automatically revoke a waiver if the waiver recipient is convicted of any additional disqualifying offense.

Administrative Code, Title 77, Chapter 1, Sub chapter u, Part 955, Section 955.275 Rehabilitation Waiver

a) The Department may consider the results of a fingerprint-based criminal history records check for a rehabilitation waiver, if sufficient time has passed since the last disqualifying conviction. A rehabilitation waiver may be granted without a waiver application being submitted by the student, applicant, or employee.

b) The Department may consider the results of a fingerprint-based criminal history records check for a rehabilitation waiver, if sufficient time has passed since the last disqualifying conviction. A rehabilitation waiver may be granted without a waiver application being submitted by the student, applicant, or employee.

c) A waiver without a waiver application shall not be granted unless the student, applicant, or employee has met the following time frames:

(1) Single disqualifying misdemeanor conviction – 5 years after conviction date

Restriction Type: Mandatory

Restriction Duration: 5 years after conviction date

(2) Two disqualifying misdemeanor convictions – 7 years after conviction date;

Restriction Type: Mandatory

Restriction Duration: 7 years after conviction date

(3) Three or more disqualifying misdemeanor convictions – 9 years after conviction date;

Department of Public Health

Restriction Type: Mandatory

Restriction Duration: 9 years after conviction date

(4) Single disqualifying felony conviction – 7 years after conviction date;

Restriction Type: Mandatory

Restriction Duration: 7 years after conviction date

(5) Two disqualifying felony convictions – 9 years after conviction date; and

Restriction Type: Mandatory

Restriction Duration: 9 years after conviction date

(6) Three or more felony convictions shall not be considered for a rehabilitation waiver.

Restriction Type: Mandatory

Restriction Duration: Waiver shall not be considered

d) A waiver without a waiver application may be granted to an individual who has been convicted of committing or attempting to commit one or more of the offenses listed in Appendix B of this Part, if the time frames listed in subsection (c) have been met.

e) Upon receipt of the results of a criminal history records check that meets the requirements set forth in Sections 955.115 and 955.165 of this Part, the Department will review the convictions reported to determine whether the convictions are disqualifying in accordance with Section 25 of the Act and Section 955.160 of this Part and whether the circumstances of the convictions meet the criteria set forth in this Section. The Department will grant a rehabilitation waiver to the applicant if: the criteria of this Section are met and no additional information is needed to verify completion of parole (i.e., probation or mandatory supervised release) or payment of fines or restitutions; the Health Care Worker Registry does not show any administrative findings of abuse, neglect or misappropriation of property; and the applicant or employee has no other disqualifying convictions.

EMS: under current legislation, the Department decision is final.

Total number of people who underwent a background check (February 1, 2010 – February 1, 2012):

The number and percentage of individuals who underwent a criminal history background check:
238,131

The number and percentage of individuals who sought an exemption or waiver from the disqualification;

Total = 2905

Granted = 2285

Denied = 620 (21.3%)

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): 2285

Department of Public Health

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

EMS:

The total number of people currently employed in the occupation whose employment or licensure required criminal history disclosure, background checks or restrictions: there are approximately 37,277 active licensees 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.

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

The number and percentage of individuals who were merely required to disclose their criminal history without a criminal history background check: 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.

The number and percentage of individuals who were found disqualified based on criminal history disclosure by the applicant: two

The number and percentage of individuals who were found disqualified where no waiver or exemption process is available: two.

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: 37,277 (estimated as this number changes weekly).

AGENCY occupational licensing restrictions based on criminal history:

Alternative Health Care Delivery Act **Health Care Facility or Programs**

210 ILCS 3/45 (License Denial, Suspension, or Revocation)

A license may be denied, suspended, or revoked, or the renewal of a license may be denied, for any of the following reasons:

(2) Conviction of the owner or operator of the alternative health care model (i) of a felony or (ii) of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction.

Department of Public Health

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

Administrative Code: Title 77, Chapter I, Sub chapter b, Part 270, Section 270.1600. Adverse Licensure

b) A license may be denied, suspended, or revoked, or the renewal of a license may be denied or administrative fine assessed, for any of the following reasons:

2) Conviction of the owner or operator of the subacute care hospital model of a felony or of any other crime under the laws of any state or of the United States arising out of, or in connection with, the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77, Chapter I, Sub chapter b, Part 270, Section 270.2250. Health Care Worker Background Check

a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):

b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) and (o) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)

c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility 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 subsections (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)

“See restrictive offenses listed in the Health Care Worker Background Check Act”

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

210 ILCS 5/6 (Ambulatory Surgical Treatment Center Act)

Upon receipt of an application for a license, the Director may deny the application for any of the following reasons:

(1) Conviction of the applicant, or if the applicant is a firm, partnership or association, of any of its members, or if a corporation, of any of its officers or directors, or of the person designated to manage or supervise the facility, of a felony, or of 2 or more misdemeanors involving moral

Department of Public Health

turpitude, as shown by a certified copy of the record of the court of conviction, or , in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence, if the Director determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

Administrative Code: Title 77, Chapter I, Sub chapter b, Part 205, Sub part 205.120 Application for Initial Licensure

b) The initial application shall include the following information:

5) Information regarding any conviction of the applicant, or if the applicant is a firm, partnership or association, of any of its members, or if the applicant is a corporation, of any of its officers or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude in the last five years.

Restriction Type: Mandatory

Restriction Duration: In the last 5 years

Administrative Code: Title 77, Chapter I, Sub chapter b, Part 205, Sub part 205.125 Application for License Renewal

b) An application for license renewal shall include the following information:

5) Information regarding any conviction of the applicant, or if the applicant is a firm, partnership or association, of any of its members, or if the applicant is a corporation, of any of its officers or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude in the last five years.

Restriction Type: Mandatory

Restriction Duration: In the last 5 years

Postsurgical Recovery Care Center Model

Administrative Code: Title 77, Chapter I, Sub chapter b, Part 210, Section 210.1200 Application for and Issuance of a Licensure to Operate a Postsurgical Recovery Care Center Model

b) Applications for a license to operate a Postsurgical Recovery Care Center Model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:

13) Information regarding any conviction of the owner or operator of the proposed Model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above mentioned administrative code

Administrative Code: Title 77, Chapter I, Sub chapter b, Part 210, Section 210.1600. Adverse Licensure Action

Department of Public Health

b) A license may be denied, suspended, revoked, the renewal of a license may be denied or administrative fine assessed, for any of the following reasons:

2) Conviction of the owner or operator of the Postsurgical Recovery Care Center Model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Assisted Living and Shared Housing Act

210 ILCS 9/55 (Grounds for denial of a license)

An application for a license may be denied for any of the following reasons:

(2) Conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or if a corporation, the conviction of the corporation or any of its officers or stockholders, or of the person designated to manage or supervise the establishment, of a felony or of 2 or more misdemeanors involving moral turpitude during the previous 5 years as shown by a certified copy of the record of the court of conviction

Restriction Type: Discretionary

Restriction Duration: During the previous 5 years as shown by a certified copy of the record of the court of conviction

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 295, Sub part A, Section 295.900 Denial of a Licensure

a) An application for a license may be denied for any of the following reasons:

3) Conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or if a corporation, the conviction of the corporation or any of its officers or stockholders, or of the person designated to manage or supervise the establishment, of a felony or of two or more misdemeanors involving moral turpitude during the previous five years as shown by a certified copy of the record of the court of conviction

Restriction Type: Discretionary

Restriction Duration: During the previous five years as shown by a certified copy of the record of the court of conviction

210 ILCS 9/65 (Revocation, suspension, or refusal to renew license)

(a) The Department, after notice to the applicant or licensee, may suspend, revoke, or refuse to renew a license in any case in which the Department finds any of the following:

(2) That there has been a conviction of the licensee, or of the person designated to manage or supervise the establishment, of a felony or of 2 or more misdemeanors involving moral turpitude during the previous 5 years as shown by a certified copy of the record of the court of conviction

Restriction Type: Discretionary

Restriction Duration: During the previous 5 years as shown by a certified copy of the record of the court of conviction

Department of Public Health

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 295, Sub part A, Section 295.1000 Revocation, Suspension, or Refusal to Renew a License

a) The Department, after notice to the applicant or licensee, may suspend, revoke, or refuse to renew a license in any case in which the Department finds any of the following:

2) That there has been a conviction of the licensee, or of the person designated to manage or supervise the establishment, of a felony or of two or more misdemeanors involving moral turpitude during the previous five years as shown by a certified copy of the record of the court of conviction

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Community Living Facilities licensing Act

210 ILCS 35/11

(Grounds for denial or revocation of a license)

The Department may deny or begin proceedings to revoke a license if the applicant or licensee has been convicted of a felony or 2 or more misdemeanors involving moral turpitude, as shown by a certified copy of the court of conviction; if the Department determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust; or upon other satisfactory evidence that the moral character of the applicant or licensee is not reputable.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 220, Section 220.1200. Application for an Issuance of a License to Operate a Community-Based Residential Rehabilitation Center Model

a) Applications for a license to operate a Community-Based Residential Rehabilitation Care Center Model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:

11) Information regarding any conviction of the owner or operator of the proposed Model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 220, Section 220.1600. Adverse Licensure Action

b) A license may be denied, suspended, or revoked, or the renewal of a license may be denied or administrative fine assessed, for any of the following reasons:

2) Conviction of the owner or operator of the Community-Based Residential Rehabilitation Center Model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction.

Department of Public Health

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Nursing Home Care Act

210 ILCS 45/2-201.6 (Criminal history report)

d) The Department of State Police shall provide the Criminal History Report to a licensed forensic psychologist. After (i) consideration of the Criminal History Report, (ii) consultation with the facility administrator or the facility medical director, or both, regarding the mental and physical condition of the identified offender, and (iii) reviewing the facility's file on the identified offender, including all incident reports, all information regarding medication and medication compliance, and all information regarding previous discharges or transfers from other facilities, the licensed forensic psychologist shall prepare an Identified Offender Report and Recommendation. The Identified Offender Report and Recommendation shall detail whether and to what extent the identified offender's criminal history necessitates the implementation of security measures within the long-term care facility. If the identified offender is a convicted or registered sex offender or if the Identified Offender Report and Recommendation reveals that the identified offender poses a significant risk of harm to others within the facility, the offender shall be required to have his or her own room within the facility.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed statute

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 295, Sub part C, Section 295.3040 Health Care Worker Background Check

An establishment shall comply with the Health Care Worker Background Check Act and the Health Care Worker Background Check Code.

Restriction Type: Mandatory

Restriction Duration: Not listed in the above mentioned administrative code

210 ILCS 45/3-117 (Grounds for denial of license)

An application for a license may be denied for any of the following reasons:

(2) Conviction of the applicant, or if the applicant is a firm, partnership or association, of any of its members, or if a corporation, the conviction of the corporation or any of its officers or stockholders, or of the person designated to manage or supervise the facility, of a felony, or of 2 or more misdemeanors involving moral turpitude, during the previous 5 years as shown by a certified copy of the record of the court of conviction.

Restriction Type: Discretionary

Restriction Duration: During the previous 5 years as shown by a certified copy of the record of the court of conviction.

210 ILCS 45/3-119 (Revocation, suspension, or refusal to renew license)

(a) The Department, after notice to the applicant or licensee, may suspend, revoke or refuse to renew a license in any case in which the Department finds any of the following:

Department of Public Health

(2) Conviction of the licensee, or of the person designated to manage or supervise the facility, of a felony, or of 2 or more misdemeanors involving moral turpitude, during the previous 5 years as shown by a certified copy of the record of the court of conviction.

Restriction Type: Discretionary

Restriction Duration: During the previous 5 years as shown by a certified copy of the record of the court of conviction.

Nursing Home Care Act (Licensing)

210 ILCS 45/3-206.02

a-1) Nursing assistants, habilitation aides, or child care aides seeking to be included on the registry maintained under Section 3-206.01 on or after January 1, 1996 must authorize the Department of Public Health or its designee to request a criminal history record check in accordance with the Health Care Worker Background Check Act and submit all necessary information. An individual may not newly be included on the registry unless a criminal history record check has been conducted with respect to the individual.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed Statute

ID/DD Community Care Act

210 ILCS 47/3-117 (Denial of license; grounds)

An application for a license may be denied for any of the following reasons:

2) Conviction of the applicant, or if the applicant is a firm, partnership or association, of any of its members, or if a corporation, the conviction of the corporation or any of its officers or stockholders, or of the person designated to manage or supervision the facility, of a felony, or of 2 or more misdemeanors involving moral turpitude, during the previous 5 years as showed by a certified copy of the record of the court of conviction.

Restriction Type: Discretionary

Restriction Duration: During the previous 5 years as showed by a certified copy of the record of the court of conviction.

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 340, Section 340.1130.

Criteria for Adverse Licensure Actions

b. The Director or his or her designee may take adverse licensure action against a facility based on a finding that one or more of the following criteria are met:

2) Conviction of the licensee, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, during the previous five years as shown by a certified copy of the record of the court of conviction. (Section 3-119 (a)(2) of the Act)

Restriction Type: Discretionary

Restriction Duration: During the previous five years as shown by a certified copy of the record of the court of conviction.

Department of Public Health

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 390, Sub part A. Section 390.170. Denial of Initial Licensure

a. A determination by the Director or his designee to deny the issuance of an initial license shall be based on a finding that one or more of the criteria outlined in Section 390.165 or the following criteria are met.

1) The applicant, any member of the firm, partnership, or association which is the applicant, any officer or stockholder of the corporation which is the applicant, or the person designated to manage or supervise the facility has been convicted of any of the following crimes during the previous five years. Such convictions shall be verified by a certified copy of the record of the court of conviction.

A) A felony.

B) Two or more misdemeanors involving moral turpitude. (Section 3-117(2) of the Act)

Restriction Type: Discretionary

Restriction Duration: During the previous five years.

210 ILCS 47/3-119 (Suspension, revocation, or refusal to renew license)

(a) The Department, after notice to the applicant or licensee, may suspend, revoke or refuse to renew a license in any case in which the Department finds any of the following:

(2) Conviction of the licensee, or of the person designated to manage or supervise the facility, of a felony, or of 2 or more misdemeanors involving moral turpitude, during the previous 5 years as shown by a certified copy of the record of the court of conviction.

Restriction Type: Discretionary

Restriction Duration: During the previous 5 years as shown by a certified copy of the record of the court of conviction.

Specialized Mental Health Rehabilitation Act

210 ILCS 48/3-117 (Denial of license; grounds)

An application for a license may be denied for any of the following reasons:

2) Conviction of the applicant, or if the applicant is a firm, partnership or association, of any of its members, or if a corporation, the conviction of the corporation or any of its officers or stockholders, or of the person designated to manage or supervision the facility, of a felony, or of 2 or more misdemeanors involving moral turpitude, during the previous 5 years as showed by a certified copy of the record of the court of conviction.

Restriction Type: Discretionary

Restriction Duration: During the previous 5 years as showed by a certified copy of the record of the court of conviction.

Emergency Medical Services (EMS) System Act

210 ILCS 50/3.50 (Emergency Medical Technician (EMT) Licensure)

d) The Department shall have the authority and responsibility to:

Department of Public Health

(8) Suspend, revoke, or refuse to issue or renew the license of any licensee, after an opportunity for an impartial hearing before a neutral administrative law judge appointed by the Director, where the preponderance of the evidence shows one or more of the following:

(H) The licensee has been conviction (or entered a plea of guilty or non-contendere) by a court of competent jurisdiction of a Class X, Class 1, or Class 2 felony in this State or an out-of-state equivalent offense.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed Statute

Administrative Code: Title 77, Chapter 1, Sub chapter f, Part 518, Section 518.1150. Initial Licensure Application

d. The application shall contain the following information:

5. Information regarding any conviction of the applicant, or, if the applicant is a firm, partnership or association, of any if its members, or, if the applicant is a corporation, of any of its officers or directors, or of the person designated to manage or supervise the facility, of a felony or of two or more misdemeanors involving moral turpitude in the last five years.

Restriction Type: Mandatory

Restriction Duration: The last five years

Supportive Residences Licensing Act

210 ILCS 65/50 (Grounds for denial or revocation of a license) (Supportive Residences Licensing)

The Department may deny or bring proceedings to revoke a license if the applicant or licensee has been convicted of a felony or 2 or more misdemeanors involving moral turpitude, as shown by a certified copy of the court of conviction; if the Department determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust; or upon other satisfactory evidence that the moral character of the applicant or licensee is not reputable.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 385, Section 385.2550. Adverse Licensure Action

b. Adverse licensure action shall be considered by the Department under the following conditions:

1. If the applicant or licensee has been convicted of a felony or two or more misdemeanors involving moral turpitude, as shown by a certified copy of the court's conviction, and

A) The Department determines after investigation that the person has not been sufficiently rehabilitated to warrant the public trust; or

B) Upon other satisfactory evidence that the moral character of the applicant or licensee is not reportable.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

225 ILCS 46/55 (Immunity from liability) (Health Care Worker Background Check)

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.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed statute

Administrative Code: Title 77, Chapter I, Sub chapter u, Part 955, Section 955.150. Employment Prohibition

a. A health care employer shall not 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 offenses listed in Section 25 of the Act and Section 955.160 of this Part, unless the applicant or employee obtains a waiver pursuant to this Part. (Section 25(a) of the Act)

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 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 Section 955.160 of this Part as verified by court records, records from a State agency (e.g., Department of Corrections records), or an FBI criminal history record check, unless the applicant or employee obtains a waiver pursuant to this Part. 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. (Section 25(b) of the Act)

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77, Chapter I, Sub chapter u, Part 955, Section 955.160. Disqualifying Offenses

The following offenses are disqualifying under the Act and this Part. Offenses are not considered disqualifying until the effective date of the legislation adding the offenses to the Act, regardless of the date an individual is convicted of the offense (see Appendix A through Appendix C of this Part).

- a) Violations under the Criminal Code of 1961:
- b) Violations under the Wrongs to Children Act:
- c) Violations under the Illinois Credit Card and Debit Card Act:

Department of Public Health

- d) Violation under the Criminal Jurisprudence Act: Cruelty to children (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368).
- e) Violations under the Cannabis Control Act: Manufacture, delivery, or possession with intent to deliver or manufacture cannabis; cannabis trafficking; delivery of cannabis on school grounds; delivering cannabis to a person under 18; calculated criminal cannabis conspiracy [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 705, 705.1, 705.2, 707, and 709).
- f) Violations under the Illinois Controlled Substances Act: 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; controlled substance trafficking; manufacture, distribution, advertisement, or possession with intent to manufacture or distribute a look-alike substance; calculated criminal drug conspiracy; criminal drug conspiracy; delivering a controlled, counterfeit or look-alike substance to a person under 18; and engaging or employing a person under 18 to deliver a controlled, counterfeit or look-alike substance [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1).
- g) Violation under the Nurse Practice Act: practice of nursing without a license [225 ILCS 65/50-50 (was 225 ILCS 65/10-5)] (formerly Ill. Rev. Stat. 1991, ch. 111, par. 3506).
- h) Violations under the Methamphetamine Control and Community Protection Act [720 ILCS 646].

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77, Chapter I, Sub chapter u, Part 955, Section 955.165. Fingerprint-Based Criminal History Records Check

a. Educational entities, other than secondary schools, and health care employers are required to check the Health Care Worker Registry before allowing a student to enter a training program or hiring an employee to determine:

1. Whether a fingerprint-based criminal history records check has previously been conducted, which is indicated by the identifier of "FEE_APP" or "CAAPP"

- A) As long as the student, applicant or employee has had such a background check and stays active on the Health Care Worker Registry, no further fingerprint-based criminal history record checks shall be deemed necessary. (Section 33(g) of the Act)
- B) If the individual has disqualifying convictions and a waiver has not been granted pursuant to this Part, the individual is not allowed to work as a direct care giver for a health care employer or as an individual with access to residents, the resident's living quarters, or the resident's financial, medical or personal records in a long-term care setting.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

**Administrative Code: Title 77, Chapter I, Sub chapter u, Part 955, Section 955.180.
Criminal History Records Check after Implementation**

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 prior to the implementation of the fingerprint-based criminal history records check as a fee applicant inquiry pursuant to Section 955.115 of this Part, have met the requirements for criminal history background checks prior to the implementation, and have no convictions that were disqualifying at the time that the background check was initiated, or have requested and received a waiver of those disqualifying convictions pursuant to this Part. These employees shall be retained on the Health Care Worker Registry as long as they remain active. Nothing in the Act or this Part shall be construed to prohibit a health care employer from initiating a new 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 and all of the convictions listed in Section 25 of the Act and Section 955.160 of this Part shall be considered disqualifying. (Section 33(a) of the Act).

b. For any employee employed after October 1, 2007, a criminal history records check shall be initiated in accordance with Section 33 of the Act and Sections 955.115 and 955.165 of this Part.

c. If a background check is initiated in accordance with subsection (a), a health care employer is not required to retain and, unless a waiver is obtained pursuant to this Part, shall not 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 and, unless a waiver is obtained pursuant to this Part, shall not 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 listed in Section 955.160 of this Part. (Section 25(a-1) of the Act)

**Administrative Code: Title 77, Chapter I, Sub chapter u, Part 955, Section 955.190.
Notification to Student, Applicant, or Employee**

The student, applicant, or employee must be notified of each of the following whenever a fingerprint-based criminal history records check is requested pursuant to the Act:

a. That the educational entity, health care employer or long-term care facility shall initiate a fingerprint-based criminal history records check requested by the Department of Public Health of the student, applicant, or employee pursuant to this Part. (Section 33(k) of the Act)

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

**Administrative Code: Title 77, Chapter I, Sub chapter u, Part 955, Section 955.270.
Department Review of Waiver Application**

a. The Department will consider an application for a waiver from individuals who have been convicted of committing or attempting to commit one or more of the offenses listed in Appendix C of this Part upon receipt of a complete application and the results of a fingerprint-based criminal history records check in accordance with Sections 955.115 and 955.165 of this Part.

Department of Public Health

c. The Department may grant a waiver based on the following information provided by the applicant or employee and the results of the fingerprint-based criminal history records check.

1. The age of the applicant or employee at the time of the offense (Section 40(a) of the Act);
2. A written explanation of each conviction to include what happened, how many years have passed since the offense, the individuals involved, and any other circumstances surrounding the offense (Section 40(a) of the Act);
3. The applicant's work history;
4. The applicant or employee's criminal history since the disqualifying conviction, to include the results of the Illinois criminal history records report, convictions in other states, and federal convictions;

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77, Chapter I, Sub chapter u, Part 955, Section 955.275. Rehabilitation Waiver

a. The Department may consider the results of a fingerprint-based criminal history records check for a rehabilitation waiver, if sufficient time has passed since the last disqualifying conviction. A rehabilitation waiver may be granted without a waiver application being submitted by the student, applicant, or employee.

b. For an applicant to be considered for a rehabilitation waiver, the Department must have received from him or her a criminal history records check that meets the requirements of Sections 955.115 and 955.165 of this Part.

c. A waiver without a waiver application shall not be granted unless the student, applicant, or employee has met the following time frames:

1. Single disqualifying misdemeanor conviction – 5 years after conviction date;
2. Two disqualifying misdemeanor convictions – 7 years after conviction date;
3. Three or more disqualifying misdemeanor convictions – 9 years after conviction date;
4. Single disqualifying felony conviction – 7 years after conviction date;
5. Two disqualifying felony convictions – 9 years after conviction date; and
6. Three or more felony convictions shall not be considered for a rehabilitation waiver.

d. A waiver without a waiver application may be granted to an individual who has been convicted of committing or attempting to commit one or more of the offenses listed in Appendix B of this Part, if the time frames listed in subsection (c) have been met.

e. Upon receipt of the results of a criminal history records check that meets the requirements set forth in Sections 955.115 and 955.165 of this Part, the Department will review the convictions reported to determine whether the convictions are disqualifying in accordance with Section 25 of the Act and Section 955.160 of this Part and whether the circumstances of the convictions meet the criteria set forth in this Section. The Department will grant a rehabilitation waiver to the applicant if: the criteria of this Section are met and no additional information is needed to verify completion of parole (i.e., probation or mandatory supervised release) or payment of fines or restitution; the Health Care Worker Registry does not show any administrative findings of

Department of Public Health

abuse, neglect or misappropriation of property; and the applicant or employee has no other disqualifying convictions.

f. 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 a rehabilitation waiver. (Section 40(c) of the Act) The waiver will be recorded in the Health Care Worker Registry. If a rehabilitation waiver is not granted, the individual may apply for a waiver by submitting a completed waiver application pursuant to Section 955.260 of this Part.

Restriction Type: Discretionary

Restriction Duration: Review the various duration listed above

Administrative Code: Title 77, Chapter I, Sub chapter u, Part 955, Section 955.280. Employment Pending Waiver

An individual shall not be employed in direct care or employed in a long-term care facility in a position that involves or may involve contact with the residents or access to the resident's living quarters or the financial, medical or personal records of the residents 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 from the Department. (Section 40(d) of the Act)

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77, Chapter I, Sub chapter u, Part 955, Section 955.285. Livescan Vendors

b. Any livescan vendor meeting the requirements of this Section may individually enter into a standardized contract with the Department. A livescan vendor contracted to provide livescan non-criminal fingerprinting services, in a format consistent with a fee applicant inquiry, shall meet the following requirements:

8. Only livescan technicians who have had a fingerprint-based criminal history records check and no disqualifying convictions as listed in Section 25 of the Act and Section 955.160 of this Part may collect fingerprints and transmit the data files electronically to a vendor.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77, Chapter I, Sub chapter u, Part 965, Section 965. Appx. A Health Care Professional Credentialing and Business Data Gathering Form

CRIMINAL ACTIONS

If you answer "yes" to any questions in this section, please complete FORM D. Please make copies of FORM D, if needed, and complete one for each "yes" answer

1. Have you been charged with or convicted of a crime (other than a minor traffic offense) in this or any other state or country and/or do you have any criminal charges pending other than minor traffic offenses in this State or any other state or country?

Department of Public Health

(Hearing Instrument Consumer Protection)

225 ILCS 50/8 (Applicant qualifications; examination)

(b) Applicants shall be:

(2) Of good moral character;

Felony convictions of the applicant and findings against the applicant involving matters set forth in Sections 17 and 18 shall be considered in determining moral character, but such a conviction or finding shall not make an applicant ineligible to register for examination.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

225 ILCS 50/18 (Discipline by the Department)

The Department may refuse to issue or renew a license or it may revoke, suspend, place on probation, censure, fine, or reprimand a licensee for any of the following:

(c) Conviction of any crime under the laws of the United States or any state or territory thereof which is a felony or misdemeanor, an essential element of dishonesty, of any crime which is directly related to the practice of the professions.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

(Structural Pest Control)

225 ILCS 235/13 (Violations of the Act)

It is a violation of this Act and the Department may suspend, revoke, or refuse to issue or renew any certificate, registration, or license, in accordance with Section 14 of this Act, upon proof of any of the following:

(b) Conviction of a certified technician, registrant, or licensee of a violation of any provision of this Act or of pest control laws in any other state, or any other laws or rules and regulations adopted thereto relating to pesticides.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

(Water Well and Pump Installation Contractor's License)

225 ILCS 345/15 (Refusal, suspension or revocation of license; grounds)

The Department may refuse to issue or renew, may suspend or may revoke a license on any one or more of the following grounds:

(7) Conviction of any crime an essential element of which is misstatement, fraud or dishonesty, conviction in this or another State of any crime which is a felony under the laws of this State or the conviction in a federal court of any felony.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

Department of Public Health

Administrative Code: Title 68, Chapter IV, Part 750, Sub part I, Section 750.910. Certified Plumbing Inspector Violations (Food Service Sanitation)

The Department may take disciplinary action against a certified plumbing inspector for violations of the Act, this Part or the Illinois Plumbing Code. Pursuant to Section 20 of the Act, such action may include revocation, suspension, or denial of a plumbing license or plumbing inspector's certificate issued by the Department; and under Section 5(b.10) of the Act may include an Order of Correction to a telecommunications carrier for improper advertising. A violation, for the purposes of this Section, shall be considered to mean a finding of violation of a Section of the Act, or this Part, or the Illinois Plumbing Code by the Director in a final order issued pursuant to the Act and shall include the following acts:

g) being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the practice of plumbing

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Professional and Occupations

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 225, Sub part A, Section 225.400. Application for and Issuance of a Licensure to Operate an Alzheimer's Disease Management Center Model

a) Applications for a license to operate an Alzheimer's Disease Management Center Model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:

8) Information regarding any conviction of the owner or operator of the proposed Model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 225, Sub part A, Section 225.800. Adverse Licensure Action

b) A license may be denied, suspended, or revoked, or the renewal of a license may be denied or administrative fine assessed, for any of the following reasons:

2) Conviction of the owner or operator of the Alzheimer's Disease Management Center Model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Department of Public Health

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 225, Sub part C, Section 225.2020 Nursing Assistants

b) The facility shall ensure that each nursing assistant is included on the Nurse Aide Registry as having met training or equivalency requirements and not having a disqualifying criminal conviction.

c) Each person employed by the facility as a nursing assistant shall meet each of the following requirements:

- 1) Be at least 18 years of age, of good moral character, honest, reliable, and trustworthy

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Home Health, Home Services, and Home Nursing Agency Code

Administrative Code: Title 77, Chapter I, Sub chapter b, Part 245, Sub part C, Section 245.130. Adverse Licensure Action

b) Adverse licensure action shall be considered by the Department under the following conditions:

- 2) Satisfactory evidence that the moral character of the applicant or supervisor of the agency is not reputable. In determining moral character, the Department may take into consideration any convictions of the applicant or supervisor for criminal offenses, but such convictions shall not operate as a bar to licensing.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77, Chapter I, Sub chapter b, Part 245, Sub part D, Section 245.212 Nursing Placement Agency

d) The placement agency shall require and document that:

- 1) An individual wishing to remain eligible for placement by the agency shall submit to a criminal background check

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Children's Community-Based Health Care Center Code

Administrative Code: Title 77, Chapter I, Sub chapter b, Part 260, Section 260.1600 Adverse Licensure Action

b) A license may be denied, suspended, or revoked, or the renewal of a license may be denied or an administrative fine assessed, for any of the following reasons:

- 2) Conviction of the owner or operator of the Children's Respite Care Center Model of a felony or of any other crime under the laws of any state or of the United States arising out of, or in connection with, the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction

Department of Public Health

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Skilled Nursing and Intermediate Care Facility Code

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 300, Sub part A, Section 300.165 Criteria for Adverse Licensure Actions

2) Conviction of the licensee, or of the person designated to manage or supervise the facility, of any of the following crimes during the previous five years. Such convictions shall be verified by a certified copy of the record of the court of conviction:

A) A felony; or

B) Two or more misdemeanors involving moral turpitude. (Section 3-119(a)(2) of the Act)

3) The moral character of the licensee, administrator, manager, or supervisor of the facility is not reputable. Evidence to be considered will include verifiable statements by residents of a facility, law enforcement officials, or other persons with knowledge of the individual's character. In addition, the definition afforded to the terms "reputable," "unreputable," and "irreputable" by the circuit courts of the State of Illinois shall apply when appropriate to the given situation. For purposes of this Section, a manager or supervisor of the facility is an individual with responsibility for the overall management, direction, coordination, or supervision of the facility or the facility staff.

Restriction Type: Mandatory

Restriction Duration: During the previous five years

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 300, Sub part A, Section 300.170 Denial of Initial Licensure

a) A determination by the Director or his or her designee to deny the issuance of an initial license shall be based on a finding that one or more of the criteria outlined in Section 300.165 or the following criteria are met:

1) Conviction of the applicant, or if the applicant is a firm, partnership or association, or any of its members or if a corporation, the conviction of the corporation or any of its officers and stockholders, or of the person designated to manage or supervise the facility of any of the following crimes during the previous 5 years. Such convictions shall be verified by a certified copy of the record of the court of conviction.

A) A felony; or

B) Two or more misdemeanors involving moral turpitude. (Section 3-117(2) of the Act)

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77 Chapter I, Sub chapter c, Part 300, Sub part C, Section 300.625. Identified Offenders

a) The facility shall review the results of the criminal history background checks immediately upon receipt of these checks.

b) The facility shall be responsible for taking all steps necessary to ensure the safety of residents while the results of a name-based background check or a fingerprint-based check are pending;

Department of Public Health

while the results of a request for a waiver of a fingerprint-based check are pending; and/or while the Identified Offender Report and Recommendation is pending.

Sheltered Care Facilities Code

Administrative Code: Title 77 Chapter I, Sub chapter c, Part 330, Sub part A, Section 330.165. Criteria for Adverse Licensure Actions

b) A determination by the Director or his or her designee to take adverse licensure action against a facility shall be based on a finding that one or more of the following criteria are met:

2) Conviction of the licensee, or of the person designated to manage or supervise the facility, of any of the following crimes during the previous five years. Such convictions shall be verified by a certified copy of the record of the court of conviction.

A) A felony; or

B) Two or more misdemeanors involving moral turpitude. (Section 3-119(a)(2) of the Act)

3) The moral character of the licensee, administrator, manager, or supervisor of the facility is not reputable. Evidence to be considered will include verifiable statements by residents of a facility, law enforcement officials, or other persons with knowledge of the individual's character. In addition, the definition afforded to the terms "reputable," "unreputable," and "irreputable" by the circuit courts of the State of Illinois shall apply when appropriate to the given situation. For purposes of this Section, a manager or supervisor of the facility is an individual with responsibility for the overall management, direction, coordination, or supervision of the facility or the facility staff.

Restriction Type: Discretionary

Restriction Duration: During the previous five years

Administrative Code: Title 77 Chapter I, Sub chapter c, Part 330, Sub part A, Section 330.170. Denial of Initial Licensure

a) A determination by the Director or his or her designee to deny the issuance of an initial license shall be based on a finding that one or more of the criteria outlined in Section 330.165 or the following criteria are met:

1) Conviction of the applicant, or if the applicant is a firm, partnership or association, or any of its members or if a corporation, the conviction of the corporation or any of its officers and stockholders, or of the person designated to manage or supervise the facility of any of the following crimes during the previous 5 years. Such convictions shall be verified by a certified copy of the record of the court of conviction.

A) A felony; or

B) Two or more misdemeanors involving moral turpitude. (Section 3-117(2) of the Act)

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Department of Public Health

Administrative Code: Title 77 Chapter I, Sub chapter c, Part 330, Sub part A, Section 330.725 Identified Offenders

b) The facility shall be responsible for taking all steps necessary to ensure the safety of residents while the results of a name-based background check or a fingerprint-based check are pending; while the results of a request for a waiver of a fingerprint-based check are pending; and/or while the Identified Offender Report and Recommendation is pending.

Restriction Type: Mandatory

Long-term Care for Under Age 22 Facilities Code

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 390, Sub part A. Section 390.165. Criteria for Adverse Licensure Actions

b. A determination by the Director or his designee to take adverse licensure action against a facility shall be based on a finding that one or more of the following criteria are met:

2. The licensee or applicant, or the person designated to manage or supervise the facility has been convicted of any of the following crimes during the previous five years. Such convictions shall be verified by a certified copy of the record of the court of conviction.

A) A felony.

B) Two or more misdemeanors involving turpitude. (Sections 3-117(2) and 3-119(a)(2) of the Act)

Restriction Type: Discretionary

Restriction Duration: During the previous five years.

Administrative Code: Title 77, Chapter I, Sub chapter c, Part 390, Sub part A. Section 390.170. Denial of Initial Licensure

a. A determination by the Director or his designee to deny the issuance of an initial license shall be based on a finding that one or more of the criteria outlined in Section 390.165 or the following criteria are met.

1) The applicant, any member of the firm, partnership, or association which is the applicant, any officer or stockholder of the corporation which is the applicant, or the person designated to manage or supervise the facility has been convicted of any of the following crimes during the previous five years. Such convictions shall be verified by a certified copy of the record of the court of conviction.

A) A felony.

B) Two or more misdemeanors involving moral turpitude. (Section 3-117(2) of the Act)

Restriction Type: Discretionary

Restriction Duration: During the previous five years.

Illinois Clinical Laboratories Code

Administrative Code: Title 77, Chapter I, Sub chapter d, Part 450, Sub part A, Section 450.40. Penalties and Fines

a. The Department may deny, revoke, or refuse to renew a license or permit for the reasons set forth in Article VIII of the Act. All hearings and appeals shall be conducted in accordance with the procedures set forth in that Article and this Part. Any person holding 5% or more of the

Department of Public Health

ownership in a clinical laboratory who was convicted of violation of Section 8-101(b), (c) or (g) of the Act, shall constitute grounds for denial or revocation of license or permit.

Restriction type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Illinois Blood Bank Code

Administrative Code: Title 77, Chapter I, Sub chapter d, Part 490, Sub part A, Section 490.20. Application and Licensure

f. Licenses may be revoked for the causes set forth in Article IV and Article VIII of the Act. All hearings and appeals shall be conducted in accordance with the procedures set forth in Article VIII of the Act and the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100). Any person holding 5% or more of the ownership in a blood bank and was convicted or violated Section 8-101 of the Act, shall constitute grounds for denial or revocation of a license.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

WIC Vendor Management Code

Administrative Code: Title 77, Chapter X, Sub chapter i, Part 672, Sub part B, Section 672.205. Application Procedures

An Applicant can apply for Authorization to become a WIC Retail Vendor by submitting the following to the Department:

e. Each owner, partner, limited partner, or shareholder of 5% or more of any stock shall also provide a statement concerning any conviction for a misdemeanor involving fraud, theft, or misuse of state or federal funds or any felony.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77, Chapter X, Sub chapter I, Part 672, Sub part E, Section 672.505. Federally Mandated Vendor Sanctions

a. Vendors shall receive the following sanctions for the following violations as mandated by 7 CFR 246.12:

a. Permanent disqualification:

1) The Department shall permanently disqualify a Vendor convicted of:

A. trafficking in food instruments; or

B. selling firearms, ammunition, explosives, or controlled substances (as defined in section 802 of the Controlled Substances Act (21 USC 802), in exchange for Food Instruments.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Department of Public Health

Hearing Instrument Consumer Protection Code

Administrative Code: Title 77, Chapter IV, Sub chapter j, Part 682, Sub part F, Section 682.610. Disciplinary Action

Disciplinary actions by the Department shall be in the following order of severity: letter of reprimand, probation, suspension of license, denial of license or revocation of license. The severity of the disciplinary action shall be determined by the number of violations which have occurred; previous disciplinary actions which have been taken against a licensed Hearing Instrument Dispenser; conviction of the licensed Hearing Instrument Dispenser, for felonies or misdemeanors involving fraud or dishonesty, especially those convictions which are related to Hearing Instrument dispensing; the effect of the violation on a consumer versus a non-consumer related violation; and the licensed Hearing Instrument Dispenser's degree of cooperation in resolving a complaint which is a violation. The Department, with the approval of the Board, may impose a fine not to exceed \$1000 plus costs for the first violation and not to exceed \$5000 plus costs for each subsequent violation of this Act, and the rules promulgated hereunder, on any person or entity described in this Act. Such fine may be imposed as an alternative to any other disciplinary measure, except for probation. The imposition by the Department of a fine for any violation does not bar the violation from being alleged in subsequent disciplinary proceedings. Such fine shall be deposited in the Fund. (Section 18 of the Act)

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77, Chapter IV, Sub chapter j, Part 682, Sub part F, Section 682.620. Restoration of Revoked or Suspended Hearing Instrument Dispenser Licenses

Persons whose Hearing Instrument Dispenser Licenses have been suspended or revoked may petition the Board for restoration of the license.

b. The applicant shall affirm, by signature and date, that during the period that the Hearing Instrument License was revoked or suspended, the applicant has not pleaded nolo contendere or been convicted of a felony or misdemeanor under the laws of the United States, any state or territory; been disciplined by another governmental or professional association for actions which involve fraud or dishonesty; is not subject to any currently effective injunctive or restrictive order as a result of the aforementioned actions; and has not engaged in Hearing Instrument dispensing activities as described in Section 5 and Section 3(j) of the Act.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Tanning Facilities Code

Administrative Code: Title 77, Chapter I, Part 795, Section 795.130. Denial, Suspension, Revocation or Non-Renewal of a Permit to Operate a Tanning Facility

The Department may deny, suspend, revoke or refuse to renew a permit to operate a tanning facility sought or issued pursuant to this Part for any of the following reasons

h. conviction of an applicant or permit holder of an offense arising from false, fraudulent, deceptive, or misleading advertising (The record of conviction or a certified copy of such record shall be conclusive evidence of the conviction)

Department of Public Health

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Body Art Code

Administrative Code: Title 77, Chapter I, Sub chapter m, Part 797, Section 797.1600.
Procedures for Suspension, Revocation, or Refusal to Issue a Certificate of Registration (Body Art)

A certificate of registration may be denied, suspended, or revoked, or the renewal of a certificate of registration may be denied, for any of the following reasons:

b. Conviction of an applicant or registrant of an offense arising from false, fraudulent, deceptive or misleading advertising. The record of conviction or a certified copy shall be conclusive evidence of the conviction

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Alcoholism and Substance Abuse Treatment and Intervention Licenses

Administrative Code: Title 77, Chapter X, Sub chapter d, Part 2060, Sub part C, Section 2060.313. **Personnel Requirements and Procedures (Alcoholism and Substance Abuse Treatment Intervention Licenses)**

a. All professional staff:

2. Cannot have been convicted of any felony or had any subsequent incarceration for at least two years prior to the date of employment.

Restriction Type: Mandatory

Restriction Duration: At least two years prior to the date of employment

Illinois Controlled Substances Act

Administrative Code: Title 77, Chapter XV, Part 3100, Section 3100.350. **Other Security Controls for Practitioners (Illinois Controlled Substance Act)**

a. The registrant shall not employ as an agent or employee who has access to controlled substances any person who has had an application for registration denied, or has had his registration suspended or revoked, or has surrendered his federal or state controlled substances registration or has been convicted of a violation of state or federal law relative to the manufacture, distribution, dispensing or possession of controlled substances.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Employment contracting restrictions based on criminal history:

Administrative Code: Title 77, Chapter I, Sub chapter p, Part 855, Sub part B, Section 855.110. **Contractor Licensing**

g. Suspension or Revocation of License/Denial of Application. The Department shall provide written notice, via certified mail, of its decision to deny, suspend or revoke a contractor's license. The applicant or licensee shall have 15 days to make a written request for an

Department of Public Health

administrative hearing to contest the Department's decision. The Department's decision to suspend or revoke a license or deny an application shall be based upon any of the reasons provided in subsections (g)(1) through (g)(5) below:

- 1) Conviction, of a felony or two or more misdemeanors involving fraudulent activities, or of violations of laws relating to construction or the building trades in general, in the last five years:
 - A. of the contractor; or
 - B. if the contractor is a firm, partnership, or association, of any of its members; or
 - C. if a corporation, of any of its officers or directors; or
 - D. of any person designated to manage or supervise the asbestos abatement activities.

Restriction Type: Discretionary

Restriction Duration: In the last five years

Administrative Code: Title 77, Chapter I, Sub chapter, Part 855, Sub part B, Section 855.120. Training Course Approval and Accreditation

q. If the Department finds that a training course provider or instructor is not in compliance with this Part, the Department may suspend, revoke, or deny accreditation of a course. The Department shall provide written notice of its decision. The training course provider shall have 15 days to make a written request for an administrative hearing to contest the Department's decision. In addition, the Department may deny or revoke course accreditation or instructor approval for the following or similar reasons:

3. Conviction of a violation of the Consumer Fraud and Deceptive Business Practice Act [815 ILCS 505].

4. Conviction of a violation of any provisions of training course laws in any other state, or any laws or rules relating to asbestos training courses.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77, Chapter I, Sub chapter r, Part 894, Section 894.60. Registered Plumbing Contractor Violations

b. A violation, for the purposes of this Section, shall be considered to mean a finding of violation of a Section of the Act, or this Part, or the Illinois Plumbing Code by the Director in a final order issued pursuant to the Act and shall include the following acts:

7. being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the practice of plumbing;

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 77, Chapter I, Sub chapter u, Part 955, Section 955.135. Contracted or Subcontracted Workers

a. Any unlicensed contracted or subcontracted worker shall undergo a fingerprint-based criminal history records check through the processes established in the Act and this Part.

Department of Public Health

c. If a staffing agency is unable to have access to the fingerprint process established through the Act, the health care employer may initiate the fingerprint-based criminal history records check for the staffing agency. The health care employer may require the staffing agency to reimburse the health care employer for any fingerprint-based criminal history records check expenses incurred.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Summary of Employment Restrictions from Agency Report:

Certified Nurse Assistants: subject to restrictions in the Healthcare Worker Background Check Act (225 ILCS 46). Illinois State Police sends rap sheets to IDPH, each sheet with a hit determined by a staff member based on the Disqualifying Offense sheet. For 2010-2012, 238,131 individuals underwent checks, 2905 sought waiver (2285 were granted).

Division of EMS Response: subject to restrictions in 210 ILCS 50, the EMS Systems Act, EMS Act, and Trauma Center Code. Individuals with a criminal history, particularly with felony convictions, are evaluated on a case-by-case basis to determine if the individual poses a risk to patients. Since 2010, two individuals have been disqualified based on criminal history disclosure. After September 2012, all individuals renewing their license must disclose any felony convictions.