**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.

b) A staffing agency may request access to the secure web portal and initiate fingerprint-based criminal history records checks for staff that will be contracted or subcontracted to a health care employer in the same manner and following the same requirements as a health care employer.

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.

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

e) *Subsection (d) does not apply to an individual performing official duties in connection with the administration of the State employment service described in Section 1705 of the Unemployment Insurance Act.* (Section 60 of the Act)

(Source: Amended at 43 Ill. Reg. 3665, effective March 1, 2019)