**Section 955.180 Criminal History Records Checks 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)

(Source: Amended at 33 Ill. Reg. 5378, effective March 26, 2009)