**Section 955.190 Notification to Student, Applicant, or Employee**

a) *The student, applicant, or employee shall be notified of each of the following whenever a fingerprint-based criminal history records check is* requestedpursuant to the Act and this Part:

1) *That the educational entity,* staffing agency, workforce intermediary, organization that provides pro bono legal services, or *health care employer shall initiate a fingerprint-based criminal history records check of the student, applicant, or employee required by the* *Act* and thisPart. (Section 33(k) of the Act)

2) That *a* health care *employer may initiate a fingerprint-based background check required by the* *Act* and this Part *for any of its employees. The results of any fingerprint-based background check that is initiated* pursuant to the Act and this Part *shall be entered in the Health Care Worker Registry.* (Section 33(f) of the Act)

3) *That the student, applicant, or employee has a right to obtain a copy of the criminal records report that indicates a conviction for a disqualifying offense and challenge the accuracy and completeness of the report through an established Department of State Police procedure for Access and Review,* and request a waiver in accordance with this Part. (Section 33(k) of the Act)

4) *That* *the applicant, if hired conditionally, may be terminated if the* *criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in* Section 955.160, unless a waiver is obtained pursuant to this Part. (Section 33(k) of the Act)

5) *That the applicant, if not hired conditionally, shall not be hired if the* *criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in* Section 955.160, unless a waiver is obtained pursuant to this Part. (Section 33(k) of the Act)

6) *That the employee shall be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in* Section 955.160, unless a waiver is obtained pursuant to this Part. (Section 33(k) of the Act)

7) That *if, after the employee has originally been determined not to have disqualifying offenses, the employer is notified that the employee has a new conviction or convictions of any of the criminal offenses* *in Section 25* of the Act and Section 955.160 of this Part, *then the employee shall be terminated*. The employee may seek to obtain a waiver pursuant to this Part. (Section 33(k)(6) of the Act)

b) *The Department of Public Health or an entity responsible for inspecting, licensing, certifying, or registering the health care employer or long-term care facility shall be immune from liability for notices given based on the results of a fingerprint-based criminal history record check.* (Section 33(m) of the Act)

(Source: Amended at 44 Ill. Reg. 18422, effective October 29, 2020)