**Section 140.498 Fingerprint-Based Criminal Background Checks**

a) Vendors who pose a risk of fraud, waste, abuse or harm, as defined in Section 140.13, and applicants of the Medical Assistance Program shall submit to a fingerprint-based criminal background check on current and future information available in the State system for criminal background checks, and current information available through the Federal Bureau of Investigation's fingerprint system, by submitting all necessary fees and information in the form and manner prescribed by the Illinois State Police. New vendor applicants must submit to fingerprint-based criminal background checks within 30 days after the submission of the application. When the Department initiates a re-enrollment of all classes of vendors pursuant to Section 140.11(e), the Department may require the vendors to re-submit to fingerprint-based criminal background checks as provided in this Section. Fingerprint-based criminal background checks requested pursuant to Section 140.11(e) must be submitted within 60 days after the submission of the updated enrollment information. Vendors shall be responsible for the payment of the costs of fingerprint-based criminal background checks.

b) The following individuals shall be subject to the fingerprint-based background check:

1) In the case of a vendor that is a corporation, all officers and individuals owning, directly or indirectly, five percent or more of the shares of stock or other evidence of ownership in a corporate vendor.

2) In the case of a vendor that is a partnership, every partner.

3) In the case of a vendor that is a sole proprietorship, the sole proprietor.

4) Each officer and each individual with management responsibility of the vendor.

c) All individuals required to submit to a fingerprint-based criminal background check must submit their fingerprints to a fingerprint vendor approved by the Illinois State Police. The Department shall provide a list of all approved fingerprint vendors.

d) Within 30 days after any individual identified in subsection (b) acquiring an ownership interest, pursuant to subsection (b)(1), (b)(2) or (b)(3), or assuming management responsibility, pursuant to subsection (b)(4), the vendor must notify the Department of the change and the individual must submit to a fingerprint-based criminal background check within 30 days after notification.

e) The failure of any individual identified in subsection (b) to submit to a fingerprint-based criminal background check, as provided for in this Section, or to provide notification as required in subsection (d), will result in the denial of an application or re-application (pursuant to Section 140.11(e)) to participate in the Medical Assistance Program or may result in disenrollment, termination or suspension of an enrolled vendor.

f) This Section does not apply to:

1) Vendors owned or operated by government agencies; and

2) Private automobiles.

(Source: Amended at 37 Ill. Reg. 10282, effective June 27, 2013)