

SB3293



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3293

Introduced 2/7/2024, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

225 ILCS 46/40

Amends the Health Care Worker Background Check Act. Allows a peer recovery specialist to request a waiver from the Illinois Department of Public Health to work in the health care industry when he or she would otherwise be prohibited because of his or her criminal record.

LRB103 36956 RTM 67070 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Health Care Worker Background Check Act is
5 amended by changing Section 40 as follows:

6 (225 ILCS 46/40)

7 Sec. 40. Waiver.

8 (a) Any student;~~;~~ applicant;~~;~~ enrollee in a training
9 program;~~;~~ individual receiving services from a workforce
10 intermediary or organization providing pro bono legal
11 services;~~;~~~~or~~ employee listed on the Health Care Worker
12 Registry; or peer recovery specialist may request a waiver of
13 the prohibition against employment by:

14 (1) completing a waiver application on a form
15 prescribed by the Department of Public Health;

16 (2) providing a written explanation of each conviction
17 to include (i) what happened, (ii) how many years have
18 passed since the offense, (iii) the individuals involved,
19 (iv) the age of the applicant at the time of the offense,
20 and (v) any other circumstances surrounding the offense;
21 and

22 (3) providing official documentation showing that all
23 fines have been paid, if applicable and except for in the

1 instance of payment of court-imposed fines or restitution
2 in which the applicant is adhering to a payment schedule,
3 and the date probation or parole was satisfactorily
4 completed, if applicable.

5 (b) The applicant may, but is not required to, submit
6 employment and character references and any other evidence
7 demonstrating the ability of the applicant or employee to
8 perform the employment responsibilities competently and
9 evidence that the applicant or employee does not pose a threat
10 to the health or safety of residents, patients, or clients.

11 (c) The Department of Public Health may, at the discretion
12 of the Director of Public Health, grant a waiver to an
13 applicant, student, or employee listed on the Health Care
14 Worker Registry. The Department of Public Health shall act
15 upon the waiver request within 30 days of receipt of all
16 necessary information, as defined by rule. The Department of
17 Public Health shall send an applicant, student, or employee
18 written notification of its decision whether to grant a
19 waiver, including listing the specific disqualifying offenses
20 for which the waiver is being granted or denied. The
21 Department shall issue additional copies of this written
22 notification upon the applicant's, student's, or employee's
23 request.

24 (d) An individual shall not be employed from the time that
25 the employer receives a notification from the Department of
26 Public Health based upon the results of a fingerprint-based

1 criminal history records check containing disqualifying
2 conditions until the time that the individual receives a
3 waiver.

4 (e) The entity responsible for inspecting, licensing,
5 certifying, or registering the health care employer and the
6 Department of Public Health shall be immune from liability for
7 any waivers granted under this Section.

8 (f) A health care employer is not obligated to employ or
9 offer permanent employment to an applicant, or to retain an
10 employee who is granted a waiver under this Section.

11 (Source: P.A. 100-432, eff. 8-25-17; 101-176, eff. 7-31-19.)