

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 15 as follows:

6 (225 ILCS 46/15)

7 Sec. 15. Definitions. In this Act:

8 "Applicant" means an individual enrolling in a training
9 program, seeking employment, whether paid or on a volunteer
10 basis, with a health care employer who has received a bona fide
11 conditional offer of employment.

12 "Conditional offer of employment" means a bona fide offer
13 of employment by a health care employer to an applicant, which
14 is contingent upon the receipt of a report from the Department
15 of Public Health indicating that the applicant does not have a
16 record of conviction of any of the criminal offenses
17 enumerated in Section 25.

18 "Department" means the Department of Public Health.

19 "Direct care" means the provision of nursing care or
20 assistance with feeding, dressing, movement, bathing,
21 toileting, or other personal needs, including home services as
22 defined in the Home Health, Home Services, and Home Nursing
23 Agency Licensing Act.

1 The entity responsible for inspecting and licensing,
2 certifying, or registering the health care employer may, by
3 administrative rule, prescribe guidelines for interpreting
4 this definition with regard to the health care employers that
5 it licenses.

6 "Director" means the Director of Public Health.

7 "Disqualifying offenses" means those offenses set forth in
8 Section 25 of this Act.

9 "Employee" means any individual hired, employed, or
10 retained, whether paid or on a volunteer basis, to which this
11 Act applies.

12 "Finding" means the Department's determination of whether
13 an allegation is verified and substantiated.

14 "Fingerprint-based criminal history records check" means a
15 livescan fingerprint-based criminal history records check
16 submitted as a fee applicant inquiry in the form and manner
17 prescribed by the Illinois State Police.

18 "Health care employer" means:

19 (1) the owner or licensee of any of the following:

20 (i) a community living facility, as defined in the
21 Community Living Facilities Licensing Act;

22 (ii) a life care facility, as defined in the Life
23 Care Facilities Act;

24 (iii) a long-term care facility;

25 (iv) a home health agency, home services agency,
26 or home nursing agency as defined in the Home Health,

1 Home Services, and Home Nursing Agency Licensing Act;

2 (v) a hospice care program or volunteer hospice

3 program, as defined in the Hospice Program Licensing

4 Act;

5 (vi) a hospital, as defined in the Hospital

6 Licensing Act;

7 (vii) (blank);

8 (viii) a nurse agency, as defined in the Nurse

9 Agency Licensing Act;

10 (ix) a respite care provider, as defined in the

11 Respite Program Act;

12 (ix-a) an establishment licensed under the

13 Assisted Living and Shared Housing Act;

14 (x) a supportive living program, as defined in the

15 Illinois Public Aid Code;

16 (xi) early childhood intervention programs as

17 described in 59 Ill. Adm. Code 121;

18 (xii) the University of Illinois Hospital,

19 Chicago;

20 (xiii) programs funded by the Department on Aging

21 through the Community Care Program;

22 (xiv) programs certified to participate in the

23 Supportive Living Program authorized pursuant to

24 Section 5-5.01a of the Illinois Public Aid Code;

25 (xv) programs listed by the Emergency Medical

26 Services (EMS) Systems Act as Freestanding Emergency

1 Centers;

2 (xvi) locations licensed under the Alternative
3 Health Care Delivery Act;

4 (2) a day training program certified by the Department
5 of Human Services;

6 (3) a community integrated living arrangement operated
7 by a community mental health and developmental service
8 agency, as defined in the Community-Integrated Living
9 Arrangements Licensure and Certification Act;

10 (4) the State Long Term Care Ombudsman Program,
11 including any regional long term care ombudsman programs
12 under Section 4.04 of the Illinois Act on the Aging, only
13 for the purpose of securing background checks;

14 (5) the Department of Corrections or a third-party
15 vendor employing certified nursing assistants working with
16 the Department of Corrections; ~~or~~

17 (6) a financial management services entity contracted
18 with the Department of Human Services, Division of
19 Developmental Disabilities, which is not the employer of
20 personal support workers but supports individuals
21 receiving participant directed services, to administer the
22 individuals' employer authority. A financial management
23 services entity assists participants in completing
24 background check requirements, collecting and processing
25 time sheets for support workers, and processing payroll,
26 withholding, filing, and payment of applicable federal,

1 State, and local employment-related taxes and insurance;
2 or
3 (7) a Comprehensive Community Mental Health Center
4 certified by the Department of Human Services.

5 "Initiate" means obtaining from a student, applicant, or
6 employee his or her social security number, demographics, a
7 disclosure statement, and an authorization for the Department
8 of Public Health or its designee to request a
9 fingerprint-based criminal history records check; transmitting
10 this information electronically to the Department of Public
11 Health; conducting Internet searches on certain web sites,
12 including without limitation the Illinois Sex Offender
13 Registry, the Department of Corrections' Sex Offender Search
14 Engine, the Department of Corrections' Inmate Search Engine,
15 the Department of Corrections Wanted Fugitives Search Engine,
16 the National Sex Offender Public Registry, and the List of
17 Excluded Individuals and Entities database on the website of
18 the Health and Human Services Office of Inspector General to
19 determine if the applicant has been adjudicated a sex
20 offender, has been a prison inmate, or has committed Medicare
21 or Medicaid fraud, or conducting similar searches as defined
22 by rule; and having the student, applicant, or employee's
23 fingerprints collected and transmitted electronically to the
24 Illinois State Police.

25 "Livescan vendor" means an entity whose equipment has been
26 certified by the Illinois State Police to collect an

1 individual's demographics and inkless fingerprints and, in a
2 manner prescribed by the Illinois State Police and the
3 Department of Public Health, electronically transmit the
4 fingerprints and required data to the Illinois State Police
5 and a daily file of required data to the Department of Public
6 Health. The Department of Public Health shall negotiate a
7 contract with one or more vendors that effectively demonstrate
8 that the vendor has 2 or more years of experience transmitting
9 fingerprints electronically to the Illinois State Police and
10 that the vendor can successfully transmit the required data in
11 a manner prescribed by the Department of Public Health. Vendor
12 authorization may be further defined by administrative rule.

13 "Long-term care facility" means a facility licensed by the
14 State or certified under federal law as a long-term care
15 facility, including without limitation facilities licensed
16 under the Nursing Home Care Act, the Specialized Mental Health
17 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
18 the MC/DD Act, a supportive living facility, an assisted
19 living establishment, or a shared housing establishment or
20 registered as a board and care home.

21 "Resident" means a person, individual, or patient under
22 the direct care of a health care employer or who has been
23 provided goods or services by a health care employer.

24 (Source: P.A. 102-226, eff. 7-30-21; 102-503, eff. 8-20-21;
25 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-303, eff.
26 1-1-24.)