

1 AN ACT regarding professional 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
5 is amended by changing Section 30 as follows:

6 (225 ILCS 46/30)

7 Sec. 30. Non-fingerprint based UCIA criminal records
8 check.

9 (a) Beginning on January 1, 1997, an educational entity,
10 other than a secondary school, conducting a nurse aide
11 training program must initiate a UCIA criminal history
12 records check prior to entry of an individual into the
13 training program. A nurse aide seeking to be included on the
14 nurse aide registry must ~~shall~~ authorize the Department of
15 Public Health or its designee that tests nurse aides or the
16 health care employer or its designee to request a criminal
17 history record check pursuant to the Uniform Conviction
18 Information Act (UCIA) for each nurse aide applying for
19 inclusion on the State nurse aide registry. Any nurse aide
20 not submitting the required authorization and information for
21 the record check will not be added to the State nurse aide
22 registry. A nurse aide will not be entered on the State
23 nurse aide registry if the report from the Department of
24 State Police indicates that the nurse aide has a record of
25 conviction of any of the criminal offenses enumerated in
26 Section 25 unless the nurse aide's identity is validated and
27 it is determined that the nurse aide does not have a
28 disqualifying criminal history record based upon a
29 fingerprint-based records check pursuant to Section 35 or the
30 nurse aide receives a waiver pursuant to Section 40.

31 (b) The Department of Public Health must ~~shall~~ notify

1 each health care employer inquiring as to the information on
2 the State nurse aide registry of the date of the nurse aide's
3 last UCIA criminal history record check. If it has been more
4 than one year since the records check, the health care
5 employer must initiate or have initiated on his or her behalf
6 a UCIA criminal history record check for the nurse aide
7 pursuant to this Section. The health care employer must send
8 a copy of the results of the record check to the State nurse
9 aide registry for an individual employed as a nurse aide.

10 (c) Beginning January 1, 1996, a health care employer
11 who makes a conditional offer of employment to an applicant
12 other than a nurse aide for position with duties that involve
13 direct care for clients, patients, or residents must initiate
14 or have initiated on his or her behalf a UCIA criminal
15 history record check for that applicant.

16 (d) No later than January 1, 1997, a health care
17 employer must initiate or have initiated on his or her behalf
18 a UCIA criminal history record check for all employees other
19 than those enumerated in subsections (a), (b), and (c) of
20 this Section with duties that involve direct care for
21 clients, patients, or residents. A health care employer
22 having actual knowledge from a source other than a
23 non-fingerprint check that an employee has been convicted of
24 committing or attempting to commit one of the offenses
25 enumerated in Section 25 of this Act must initiate a
26 fingerprint-based background check within 10 working days of
27 acquiring that knowledge. The employer may continue to
28 employ that individual in a direct care position, may
29 reassign that individual to a non-direct care position, or
30 may suspend the individual until the results of the
31 fingerprint-based background check are received.

32 (e) The request for a UCIA criminal history record check
33 must be in the form prescribed by the Department of State
34 Police.

1 (f) The applicant or employee must be notified of the
2 following whenever a non-fingerprint check is made:

3 (i) that the health care employer shall request or
4 have requested on his or her behalf a UCIA criminal
5 history record check pursuant to this Act;

6 (ii) that the applicant or employee has a right to
7 obtain a copy of the criminal records report from the
8 health care employer, challenge the accuracy and
9 completeness of the report, and request a waiver under
10 Section 40 of this Act;

11 (iii) that the applicant, if hired conditionally,
12 may be terminated if the criminal records report
13 indicates that the applicant has a record of conviction
14 of any of the criminal offenses enumerated in Section 25
15 unless the applicant's identity is validated and it is
16 determined that the applicant does not have a
17 disqualifying criminal history record based on a
18 fingerprint-based records check pursuant to Section 35.

19 (iv) that the applicant, if not hired
20 conditionally, shall not be hired if the criminal records
21 report indicates that the applicant has a record of
22 conviction of any of the criminal offenses enumerated in
23 Section 25 unless the applicant's record is cleared based
24 on a fingerprint-based records check pursuant to Section
25 35.

26 (v) that the employee may be terminated if the
27 criminal records report indicates that the employee has a
28 record of conviction of any of the criminal offenses
29 enumerated in Section 25 unless the employee's record is
30 cleared based on a fingerprint-based records check
31 pursuant to Section 35.

32 (g) A health care employer may conditionally employ an
33 applicant to provide direct care for up to 3 months pending
34 the results of a UCIA criminal history record check.

1 (Source: P.A. 91-598, eff. 1-1-00.)