

1 AN ACT concerning health care workers.

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 25 and adding Section 25.2 as
6 follows:

7 (225 ILCS 46/25)

8 Sec. 25. Persons ineligible to be hired by health care
9 employers.

10 (a) After January 1, 1996, or January 1, 1997, as
11 applicable, no health care employer shall knowingly hire,
12 employ, or retain any individual in a position with duties
13 involving direct access to ~~care-for~~ clients, patients, or
14 residents, who has been convicted of committing or attempting
15 to commit one or more of the offenses defined in Sections
16 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2,
17 9-3.3, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-6,
18 11-9.1, 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.1, 12-3.2,
19 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,
20 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19,
21 12-21, 12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16A-3, 17-3,
22 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1,
23 24-1, 24-1.2, 24-1.5, or 33A-2 of the Criminal Code of 1961;
24 those provided in Section 4 of the Wrongs to Children Act;
25 those provided in Section 53 of the Criminal Jurisprudence
26 Act; those defined in Section 5, 5.1, 5.2, 7, or 9 of the
27 Cannabis Control Act; or those defined in Sections 401,
28 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois
29 Controlled Substances Act, unless the applicant or employee
30 obtains a waiver pursuant to Section 40.

31 (b) A health care employer shall not hire, employ, or

1 retain any individual in a position with duties involving
2 direct access to care-of clients, patients, or residents if
3 the health care employer becomes aware that the individual
4 has been convicted in another state of committing or
5 attempting to commit an offense that has the same or similar
6 elements as an offense listed in subsection (a), as verified
7 by court records, records from a state agency, or an FBI
8 criminal history record check. This shall not be construed to
9 mean that a health care employer has an obligation to conduct
10 a criminal history records check in other states in which an
11 employee has resided.

12 (Source: P.A. 90-441, eff. 1-1-98; 91-598, eff. 1-1-00.)

13 (225 ILCS 46/25.2 new)

14 Sec. 25.2. Criminal penalty. A person who knowingly
15 enters false, incomplete, or intentionally misleading
16 information on an application for a position subject to this
17 Act; who knowingly gives a false, incomplete, or
18 intentionally misleading answer to any question on an
19 application for employment; who knowingly submits false,
20 incomplete, or intentionally misleading documents in
21 connection with an application for employment; or who
22 knowingly provides false, incomplete, or intentionally
23 misleading information during an interview for a position
24 subject to this Act is guilty of a Class A misdemeanor.