

1 AMENDMENT TO HOUSE BILL 2147

2 AMENDMENT NO. _____. Amend House Bill 2147, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Health Care Worker Background Check Act
6 is amended by changing Section 25 and adding Section 25.2 as
7 follows:

8 (225 ILCS 46/25)

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

11 (a) After January 1, 1996, or January 1, 1997, as
12 applicable, no health care employer shall knowingly hire,
13 employ, or retain any individual in a position with duties
14 involving direct access to care--~~for~~ clients, patients, or
15 residents, who has been convicted of committing or attempting
16 to commit one or more of the offenses defined in Sections
17 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2,
18 9-3.3, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-6,
19 11-9.1, 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.1, 12-3.2,
20 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,
21 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19,
22 12-21, 12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16A-3, 17-3,

1 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1,
2 24-1, 24-1.2, 24-1.5, or 33A-2 of the Criminal Code of 1961;
3 those provided in Section 4 of the Wrongs to Children Act;
4 those provided in Section 53 of the Criminal Jurisprudence
5 Act; those defined in Section 5, 5.1, 5.2, 7, or 9 of the
6 Cannabis Control Act; or those defined in Sections 401,
7 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois
8 Controlled Substances Act, unless the applicant or employee
9 obtains a waiver pursuant to Section 40.

10 (b) A health care employer shall not hire, employ, or
11 retain any individual in a position with duties involving
12 direct access to care of clients, patients, or residents if
13 the health care employer becomes aware that the individual
14 has been convicted in another state of committing or
15 attempting to commit an offense that has the same or similar
16 elements as an offense listed in subsection (a), as verified
17 by court records, records from a state agency, or an FBI
18 criminal history record check. This shall not be construed to
19 mean that a health care employer has an obligation to conduct
20 a criminal history records check in other states in which an
21 employee has resided.

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

23 (225 ILCS 46/25.2 new)

24 Sec. 25.2. Criminal penalty. A person who knowingly
25 enters false, incomplete, or intentionally misleading
26 information on an application for a position subject to this
27 Act; who knowingly gives a false, incomplete, or
28 intentionally misleading answer to any question on an
29 application for employment; who knowingly submits false,
30 incomplete, or intentionally misleading documents in
31 connection with an application for employment; or who
32 knowingly provides false, incomplete, or intentionally
33 misleading information during an interview for a position

1 subject to this Act is guilty of a Class A misdemeanor.".