

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 Sections 25 and 65 as follows:

6 (225 ILCS 46/25)

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

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

30 (a-1) After January 1, 2004, no health care employer  
31 shall knowingly hire any individual in a position with duties

1 involving direct care for clients, patients, or residents who  
2 has (i) been convicted of committing or attempting to commit  
3 one or more of the offenses defined in Section 12-3.3,  
4 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,  
5 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of  
6 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit  
7 Card and Debit Card Act; or Section 5.1 of the Wrongs to  
8 Children Act; or (ii) violated Section 10-5 of the Nursing  
9 and Advanced Practice Nursing Act.

10 A UCIA criminal history record check need not be redone  
11 for health care employees who have been continuously employed  
12 by a health care employer since January 1, 2004, but nothing  
13 in this Section prohibits a health care employer from  
14 initiating a criminal history check for these employees.

15 A health care employer is not required to retain an  
16 individual in a position with duties involving direct care  
17 for clients, patients, or residents who has been convicted of  
18 committing or attempting to commit one or more of the  
19 offenses enumerated in this subsection.

20 (b) A health care employer shall not hire, employ, or  
21 retain any individual in a position with duties involving  
22 direct care of clients, patients, or residents if the health  
23 care employer becomes aware that the individual has been  
24 convicted in another state of committing or attempting to  
25 commit an offense that has the same or similar elements as an  
26 offense listed in subsection (a) or (a-1), as verified by  
27 court records, records from a state agency, or an FBI  
28 criminal history record check. This shall not be construed to  
29 mean that a health care employer has an obligation to conduct  
30 a criminal history records check in other states in which an  
31 employee has resided.

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

1           Sec. 65. Health Care Worker Task Force. A Health Care  
2 Worker Task Force shall be appointed ~~no later than July 1,~~  
3 ~~1996,~~ to study and make recommendations on statutory changes  
4 to this Act.

5           (a) The Task Force shall monitor the status of the  
6 implementation of this Act and monitor complaint  
7 investigations relating to this Act by the Department on  
8 Aging, Department of Public Health, Department of  
9 Professional Regulation, and the Department of Human Services  
10 to determine the criminal background, if any, of health care  
11 workers who have had findings of abuse, theft, or  
12 exploitation.

13           (b) The Task Force shall make recommendations  
14 concerning: ~~(1) additional health care positions, including~~  
15 ~~licensed individuals and volunteers, that should be included~~  
16 ~~in the Act; (2) development of a transition to~~  
17 ~~fingerprint-based State and federal criminal records checks~~  
18 ~~for all direct care applicants or employees; (3) development~~  
19 ~~of a system that is affordable to applicants; (4)~~  
20 modifications to the list of offenses enumerated in Section  
21 25, including time limits on all or some of the disqualifying  
22 offenses; and ~~(5) any other necessary or desirable changes~~  
23 to the Act.

24           (c) The Task Force shall issue an interim report to the  
25 Governor and General Assembly no later than January 1, 2004  
26 ~~December 31, 1996~~. The final report shall be issued no later  
27 than September 30, 2005 ~~1997~~, and shall include specific  
28 statutory changes recommended, if any.

29           (d) The Task Force shall be composed ~~emprised~~ of the  
30 following members, who shall serve without pay:

31           (1) a chairman knowledgeable about health care  
32 issues, who shall be appointed by the Governor;

33           (2) the Director of ~~the Department of~~ Public Health  
34 or his or her designee;

1           (3) the Director of ~~the-Department-of~~ State Police  
2 or his or her designee;

3           (3.5) the Director of ~~the-Department-of~~ Public Aid  
4 or his or her designee;

5           (3.6) the Secretary of Human Services or his or her  
6 designee;

7           (3.7) the Director of Aging or his or her designee;

8           (4) 2 representatives of health care providers, who  
9 shall be appointed by the Governor;

10          (5) 2 representatives of health care employees, who  
11 shall be appointed by the Governor;

12          (5.5) a representative of a Community Care  
13 homemaker program, who shall be appointed by the  
14 Governor;

15          (6) a representative of the general public who has  
16 an interest in health care, who shall be appointed by the  
17 Governor; and

18          (7) 4 members of the General Assembly, one  
19 appointed by the Speaker of the House, one appointed by  
20 the House Minority Leader, one appointed by the President  
21 of the Senate, and one appointed by the Senate Minority  
22 Leader.

23          (Source: P.A. 89-197, eff. 7-21-95; 89-507, eff. 7-1-97;  
24 89-674, eff. 8-14-96; 90-14, eff. 7-1-97.)

25          Section 99. Effective date. This Act takes effect upon  
26 becoming law.