



Sen. Edward D. Maloney

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09400HB2531sam001

LRB094 09883 RAS 45168 a

1 AMENDMENT TO HOUSE BILL 2531

2 AMENDMENT NO. _____. Amend House Bill 2531 on page 1, line
3 5, after "40", by inserting "and by adding Section 70"; and
4 on page 10, immediately below line 29, by inserting the
5 following:

6 "(225 ILCS 46/70 new)
7 Sec. 70. Centers for Medicare and Medicaid Services (CMMS)
8 grant.

9 (a) "Selected health care employer" means any of the
10 following that are located in counties selected to participate
11 in the CMMS grant:

12 (1) a community living facility as defined in the
13 Community Living Facility Act;

14 (2) a long-term care facility as defined in the Nursing
15 Home Care Act;

16 (3) a home health agency as defined in the Home Health
17 Agency Licensing Act;

18 (4) a full hospice as defined in the Hospice Licensing
19 Act;

20 (5) an establishment licensed under the Assisted
21 Living and Shared Housing Act;

22 (6) a supportive living facility as defined in the
23 Illinois Public Aid Code;

24 (7) a day training program certified by the Department

1 of Human Services;

2 (8) a community integrated living arrangement operated
3 by a community mental health and developmental service
4 agency as defined in the Community Integrated Living
5 Arrangements Licensing and Certification Act.

6 (b) Selected health care employers shall be phased in to
7 participate in the CMMS grant between January 1, 2006 and
8 January 1, 2007, as prescribed by the Department of Public
9 Health by rule.

10 (c) With regards to individuals who have direct access to
11 residents, patients, or clients of the selected health care
12 employer, selected health care employers must comply with
13 Section 25 of this Act.

14 "Individuals who have direct access" includes, but is not
15 limited to, (i) direct care workers as described in subsection
16 (a) of Section 25; (ii) individuals licensed by the Department
17 of Financial and Professional Regulation, such as nurses,
18 physicians, social workers, physical therapists, occupational
19 therapists, and pharmacists; (iii) individuals who provide
20 services on site, through contract; and (iv) non-direct care
21 workers, such as those who work in environmental services, food
22 service, and administration.

23 "Individuals who have direct access" does not include
24 volunteers.

25 The Department of Public Health may further define
26 "individuals who have direct access" by rule.

27 (d) Each applicant seeking employment in a position
28 described in subsection (c) of this Section with a selected
29 health care employer shall, as a condition of employment, have
30 his or her fingerprints submitted to the Department of State
31 Police in an electronic format that complies with the form and
32 manner for requesting and furnishing criminal history record
33 information by the Department of State Police and the Federal
34 Bureau of Investigation criminal history record databases now

1 and hereafter filed. The Department of State Police shall
2 charge a fee for conducting the criminal history records check,
3 which shall not exceed the actual cost of the records check.
4 The Department of State Police shall furnish, pursuant to
5 positive identification, records of Illinois convictions to
6 the Department of Public Health.

7 (e) A selected health care employer who makes a conditional
8 offer of employment to an applicant shall:

9 (1) ensure that the applicant has complied with the
10 fingerprinting requirements of this Section;

11 (2) complete documentation relating to any criminal
12 history record, as revealed by the applicant, as prescribed
13 by rule by the Department of Public Health;

14 (3) complete documentation of the applicant's personal
15 identifiers as prescribed by rule by the Department of
16 Public Health; and

17 (4) provide supervision, as prescribed by rule by the
18 licensing agency, if the applicant is hired and allowed to
19 work prior to the results of the criminal history records
20 check being obtained.

21 (f) A selected health care employer having actual knowledge
22 from a source that an individual with direct access to a
23 resident, patient, or client has been convicted of committing
24 or attempting to commit one of the offenses enumerated in
25 Section 25 of this Act shall contact the licensing agency or
26 follow other instructions as prescribed by administrative
27 rule.

28 (g) This Section shall be inapplicable upon the conclusion
29 of the CMMS grant."