



Sen. Edward D. Maloney

Filed: 4/20/2005

09400HB2531sam003

LRB094 09883 RAS 45351 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 selected to participate in the CMMS grant:

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

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

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

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

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

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

23 (7) a day training program certified by the Department
24 of Human Services;

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

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

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

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

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

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

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

1 forward the fingerprints to the Federal Bureau of Investigation
2 for a national criminal history records check. The Department
3 of State Police shall charge a fee for conducting the criminal
4 history records check, which shall not exceed the actual cost
5 of the records check. The Department of State Police shall
6 furnish, pursuant to positive identification, records of
7 Illinois convictions to the Department of Public Health.

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

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

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

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

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

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

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