

HB0762



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0762

Introduced 2/6/2009, by Rep. Constance A. Howard

SYNOPSIS AS INTRODUCED:

225 ILCS 46/40

Amends the Health Care Worker Background Check Act. Removes the requirement that a person listed on the Health Care Worker Registry who requests a waiver of the prohibition against employment must show that he or she has paid all outstanding fines. Effective immediately.

LRB096 08663 ASK 18787 b

A BILL FOR

1 AN ACT concerning professional regulation.

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 is
5 amended by changing Section 40 as follows:

6 (225 ILCS 46/40)

7 Sec. 40. Waiver.

8 (a) Any student, applicant, or employee listed on the
9 Health Care Worker Registry may request a waiver of the
10 prohibition against employment by:

11 (1) completing a waiver application on a form
12 prescribed by the Department of Public Health;

13 (2) providing a written explanation of each conviction
14 to include (i) what happened, (ii) how many years have
15 passed since the offense, (iii) the individuals involved,
16 (iv) the age of the applicant at the time of the offense,
17 and (v) any other circumstances surrounding the offense;
18 and

19 (3) providing official documentation showing ~~that all~~
20 ~~finances have been paid, if applicable, and~~ the date probation
21 or parole was satisfactorily completed, if applicable.

22 (b) The applicant may, but is not required to, submit
23 employment and character references and any other evidence

1 demonstrating the ability of the applicant or employee to
2 perform the employment responsibilities competently and
3 evidence that the applicant or employee does not pose a threat
4 to the health or safety of residents, patients, or clients.

5 (c) The Department of Public Health must inform health care
6 employers if a waiver is being sought by entering a record on
7 the Health Care Worker Registry that a waiver is pending and
8 must act upon the waiver request within 30 days of receipt of
9 all necessary information, as defined by rule. Except in cases
10 where a rehabilitation waiver is granted, a letter shall be
11 sent to the applicant notifying the applicant that he or she
12 has received an automatic waiver.

13 (d) An individual shall not be employed from the time that
14 the employer receives a notification from the Department of
15 Public Health based upon the results of a fingerprint-based
16 criminal history records check containing disqualifying
17 conditions until the time that the individual receives a
18 waiver.

19 (e) The entity responsible for inspecting, licensing,
20 certifying, or registering the health care employer and the
21 Department of Public Health shall be immune from liability for
22 any waivers granted under this Section.

23 (f) A health care employer is not obligated to employ or
24 offer permanent employment to an applicant, or to retain an
25 employee who is granted a waiver under this Section.

26 (Source: P.A. 94-665, eff. 1-1-06; 95-120, eff. 8-13-07;

1 95-545, eff. 8-28-07; 95-876, eff. 8-21-08.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.