

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 fines have been paid, if applicable and except for in the
21 instance of payment of court-imposed fines or restitution
22 in which the applicant is adhering to a payment schedule,
23 and the date probation or parole was satisfactorily

1 completed, if applicable.

2 (b) The applicant may, but is not required to, submit
3 employment and character references and any other evidence
4 demonstrating the ability of the applicant or employee to
5 perform the employment responsibilities competently and
6 evidence that the applicant or employee does not pose a threat
7 to the health or safety of residents, patients, or clients.

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

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

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

26 (f) A health care employer is not obligated to employ or

1 offer permanent employment to an applicant, or to retain an
2 employee who is granted a waiver under this Section.

3 (Source: P.A. 94-665, eff. 1-1-06; 95-120, eff. 8-13-07;
4 95-545, eff. 8-28-07; 95-876, eff. 8-21-08.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.