



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4515

by Rep. Camille Y. Lilly

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Nursing Home Care Act. Requires the Department of Public Health to make the Health Care Worker Registry that includes background check and training information accessible by health care employers. Allows the Department to maintain a publicly accessible registry. Makes changes regarding information that must be contained in the registry accessible to health care employers. Requires the Department to limit specific offense information on an applicant or employee. Requires that after June 30, 2016, the public registry report that an individual is ineligible for employment if he or she has a disqualifying offense under the Health Care Worker Background Check Act and has not received a waiver under that Act. Requires that the public registry report that an individual is eligible for employment if he or she has received a waiver but not the waiver information. Amends the Health Care Worker Background Check Act. Allows a health care employer to hire an individual with a disqualifying offense if the individual has received a waiver under the Act (rather than in the discretion of the Department of Public Health, no health care employer shall knowingly hire, employ, or retain any individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility shall knowingly hire, employ, or retain any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has been convicted of committing or attempting to commit certain offenses). Creates a Health Care Worker Registry working group in the Office of the Governor. Makes other changes. Effective immediately.

LRB099 18573 SMS 42952 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Nursing Home Care Act is amended by changing  
5 Section 3-206.01 as follows:

6 (210 ILCS 45/3-206.01) (from Ch. 111 1/2, par. 4153-206.01)  
7 Sec. 3-206.01. Health care worker registry.

8 (a) The Department shall establish and maintain a Health  
9 Care Worker Registry accessible by health care employers that  
10 includes background check and training information ~~registry~~ of  
11 all individuals who (i) have satisfactorily completed the  
12 training required by Section 3-206, (ii) have begun a current  
13 course of training as set forth in Section 3-206, or (iii) are  
14 otherwise acting as a nursing assistant, habilitation aide,  
15 home health aide, psychiatric services rehabilitation aide, or  
16 child care aide. ~~The registry shall include the individual's~~  
17 ~~name, his or her current address, Social Security number, and~~  
18 ~~the date and location of the training course completed by the~~  
19 ~~individual, and whether the individual has any of the~~  
20 ~~disqualifying convictions listed in Section 25 of the Health~~  
21 ~~Care Worker Background Check Act from the date of the~~  
22 ~~individual's last criminal records check.~~ Any individual  
23 placed on the registry is required to inform the Department of

1 any change of address within 30 days. A facility shall not  
2 employ an individual as a nursing assistant, habilitation aide,  
3 home health aide, psychiatric services rehabilitation aide, or  
4 child care aide, or newly hired as an individual who may have  
5 access to a resident, a resident's living quarters, or a  
6 resident's personal, financial, or medical records, unless the  
7 facility has inquired of the Department's health care worker  
8 registry as to information in the registry concerning the  
9 individual. The facility shall not employ an individual as a  
10 nursing assistant, habilitation aide, or child care aide if  
11 that individual is not on the registry unless the individual is  
12 enrolled in a training program under paragraph (5) of  
13 subsection (a) of Section 3-206 of this Act. The Department may  
14 also maintain a publicly accessible registry.

15 (a-5) The registry maintained by the Department exclusive  
16 to health care employers shall clearly indicate whether an  
17 applicant or employee is eligible for employment and shall  
18 include the following:

19 (1) information about the individual, including the  
20 individual's name, his or her current address, Social  
21 Security number, the date and location of the training  
22 course completed by the individual, whether the individual  
23 has any of the disqualifying convictions listed in Section  
24 25 of the Health Care Worker Background Check Act from the  
25 date of the individual's last criminal record check,  
26 whether the individual has a waiver pending under Section

1       40 of the Health Care Worker Background Check Act, and  
2       whether the individual has received a waiver under Section  
3       40 of that Act;

4           (2) the following language:

5               "A waiver granted by the Department of Public  
6               Health is a determination that the applicant or  
7               employee is eligible to work in a health care facility.  
8               The Equal Employment Opportunity Commission provides  
9               guidance about federal law regarding hiring of  
10              individuals with criminal records."; and

11           (3) a link to Equal Employment Opportunity Commission  
12           guidance regarding hiring of individuals with criminal  
13           records.

14           (a-10) The Department shall not post specific information  
15           regarding disqualifying offenses, including the charge or date  
16           of an offense, on the registry.

17           (a-15) After June 30, 2016, the publicly accessible  
18           registry maintained by the Department shall report that an  
19           individual is ineligible to work if he or she has a  
20           disqualifying offense under Section 25 of the Health Care  
21           Worker Background Check Act and has not received a waiver under  
22           Section 40 of that Act. If an applicant or employee has  
23           received a waiver for one or more disqualifying offenses under  
24           Section 40 of the Health Care Worker Background Check Act and  
25           he or she is otherwise eligible to work, the Department of  
26           Public Health shall report on the public registry that the

1 applicant or employee is eligible to work. The Department,  
2 however, shall not report information regarding the waiver on  
3 the public registry.

4 (a-20) If the Department finds that a nursing assistant,  
5 habilitation aide, home health aide, psychiatric services  
6 rehabilitation aide, or child care aide, or an unlicensed  
7 individual, has abused or neglected a resident or an individual  
8 under his or her care or misappropriated property of a resident  
9 or an individual under his or her care, the Department shall  
10 notify the individual of this finding by certified mail sent to  
11 the address contained in the registry. The notice shall give  
12 the individual an opportunity to contest the finding in a  
13 hearing before the Department or to submit a written response  
14 to the findings in lieu of requesting a hearing. If, after a  
15 hearing or if the individual does not request a hearing, the  
16 Department finds that the individual abused a resident,  
17 neglected a resident, or misappropriated resident property in a  
18 facility, the finding shall be included as part of the registry  
19 as well as a clear and accurate summary from the individual, if  
20 he or she chooses to make such a statement. The Department  
21 shall make the following information in the registry available  
22 to the public: an individual's full name; the date an  
23 individual successfully completed a nurse aide training or  
24 competency evaluation; and whether the Department has made a  
25 finding that an individual has been guilty of abuse or neglect  
26 of a resident or misappropriation of resident property. In the

1 case of inquiries to the registry concerning an individual  
2 listed in the registry, any information disclosed concerning  
3 such a finding shall also include disclosure of the  
4 individual's statement in the registry relating to the finding  
5 or a clear and accurate summary of the statement.

6 (b) The Department shall add to the health care worker  
7 registry records of findings as reported by the Inspector  
8 General or remove from the health care worker registry records  
9 of findings as reported by the Department of Human Services,  
10 under subsection (s) of Section 1-17 of the Department of Human  
11 Services Act.

12 (Source: P.A. 99-78, eff. 7-20-15.)

13 Section 10. The Health Care Worker Background Check Act is  
14 amended by changing Sections 25, 33, and 40 and by adding  
15 Section 40.1 as follows:

16 (225 ILCS 46/25)

17 Sec. 25. Hiring of people with criminal records ~~Persons~~  
18 ~~ineligible to be hired~~ by health care employers and long-term  
19 care facilities.

20 (a) A health care employer or long-term care facility may  
21 hire, employ, or retain any individual in a position involving  
22 direct care for clients, patients, or residents, or access to  
23 the living quarters or the financial, medical, or personal  
24 records of clients, patients, or residents who has been

1 convicted of committing or attempting to commit one or more of  
2 the following offenses only with a waiver described in Section  
3 40 ~~In the discretion of the Director of Public Health, as soon~~  
4 ~~after January 1, 1996, January 1, 1997, January 1, 2006, or~~  
5 ~~October 1, 2007, as applicable, and as is reasonably practical,~~  
6 ~~no health care employer shall knowingly hire, employ, or retain~~  
7 ~~any individual in a position with duties involving direct care~~  
8 ~~for clients, patients, or residents, and no long term care~~  
9 ~~facility shall knowingly hire, employ, or retain any individual~~  
10 ~~in a position with duties that involve or may involve contact~~  
11 ~~with residents or access to the living quarters or the~~  
12 ~~financial, medical, or personal records of residents, who has~~  
13 ~~been convicted of committing or attempting to commit one or~~  
14 ~~more of the following offenses:~~ those defined in Sections  
15 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1,  
16 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5,  
17 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,  
18 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,  
19 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,  
20 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,  
21 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,  
22 12-33, 12C-5, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1,  
23 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 19-6, 20-1, 20-1.1,  
24 24-1, 24-1.2, 24-1.5, or 33A-2, or subdivision (a)(4) of  
25 Section 11-14.4, or in subsection (a) of Section 12-3 or  
26 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code

1 of 1961 or the Criminal Code of 2012; those provided in Section  
2 4 of the Wrongs to Children Act; those provided in Section 53  
3 of the Criminal Jurisprudence Act; those defined in subsection  
4 (c), (d), (e), (f), or (g) of Section 5 or Section 7, 5.1, 5.2,  
5 7, or 9 of the Cannabis Control Act; those defined in the  
6 Methamphetamine Control and Community Protection Act; or those  
7 defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1  
8 of the Illinois Controlled Substances Act, unless the applicant  
9 or employee obtains a waiver pursuant to Section 40.

10 (a-1) A health care employer or long-term care facility may  
11 hire, employ, or retain any individual in a position involving  
12 direct care for clients, patients, or residents, or access to  
13 the living quarters or the financial, medical, or personal  
14 records of clients, patients, or residents who has been  
15 convicted of committing or attempting to commit one or more of  
16 the following offenses only with a waiver described in Section  
17 40: those ~~In the discretion of the Director of Public Health,~~  
18 ~~as soon after January 1, 2004 or October 1, 2007, as~~  
19 ~~applicable, and as is reasonably practical, no health care~~  
20 ~~employer shall knowingly hire any individual in a position with~~  
21 ~~duties involving direct care for clients, patients, or~~  
22 ~~residents, and no long term care facility shall knowingly hire~~  
23 ~~any individual in a position with duties that involve or may~~  
24 ~~involve contact with residents or access to the living quarters~~  
25 ~~or the financial, medical, or personal records of residents,~~  
26 ~~who has (i) been convicted of committing or attempting to~~



1 ~~commit one or more of the~~ offenses defined in Section 12-3.3,  
2 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,  
3 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or  
4 24-3.3, or subsection (b) of Section 17-32, subsection (b) of  
5 Section 18-1, or subsection (b) of Section 20-1, of the  
6 Criminal Code of 1961 or the Criminal Code of 2012; Section 4,  
7 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card  
8 Act; or Section 11-9.1A of the Criminal Code of 1961 or the  
9 Criminal Code of 2012 or Section 5.1 of the Wrongs to Children  
10 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,  
11 ~~unless the applicant or employee obtains a waiver pursuant to~~  
12 ~~Section 40 of this Act.~~

13 A health care employer is not required to retain an  
14 individual in a position with duties involving direct care for  
15 clients, patients, or residents, and no long-term care facility  
16 is required to retain an individual in a position with duties  
17 that involve or may involve contact with residents or access to  
18 the living quarters or the financial, medical, or personal  
19 records of residents, who has been convicted of committing or  
20 attempting to commit one or more of the offenses enumerated in  
21 this subsection.

22 (b) A health care employer shall not hire, employ, or  
23 retain any individual in a position with duties involving  
24 direct care of clients, patients, or residents, and no  
25 long-term care facility shall knowingly hire, employ, or retain  
26 any individual in a position with duties that involve or may

1 involve contact with residents or access to the living quarters  
2 or the financial, medical, or personal records of residents, if  
3 the health care employer becomes aware that the individual has  
4 been convicted in another state of committing or attempting to  
5 commit an offense that has the same or similar elements as an  
6 offense listed in subsection (a) or (a-1), as verified by court  
7 records, records from a state agency, or an FBI criminal  
8 history record check, unless the applicant or employee obtains  
9 a waiver pursuant to Section 40 of this Act. This shall not be  
10 construed to mean that a health care employer has an obligation  
11 to conduct a criminal history records check in other states in  
12 which an employee has resided.

13 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section  
14 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff. 7-1-11;  
15 96-1551, Article 10, Section 10-40, eff. 7-1-11; 97-597, eff.  
16 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,  
17 eff. 1-25-13.)

18 (225 ILCS 46/33)

19 Sec. 33. Fingerprint-based criminal history records check.

20 (a) A fingerprint-based criminal history records check is  
21 not required for health care employees who have been  
22 continuously employed by a health care employer since October  
23 1, 2007, have met the requirements for criminal history  
24 background checks prior to October 1, 2007, and have no  
25 disqualifying convictions or requested and received a waiver of

1 those disqualifying convictions. These employees shall be  
2 retained on the Health Care Worker Registry as long as they  
3 remain active. Nothing in this subsection (a) shall be  
4 construed to prohibit a health care employer from initiating a  
5 criminal history records check for these employees. Should  
6 these employees seek a new position with a different health  
7 care employer, then a fingerprint-based criminal history  
8 records check shall be required.

9 (b) On October 1, 2007 or as soon thereafter as is  
10 reasonably practical, in the discretion of the Director of  
11 Public Health, and thereafter, any student, applicant, or  
12 employee who desires to be included on the Department of Public  
13 Health's Health Care Worker Registry must authorize the  
14 Department of Public Health or its designee to request a  
15 fingerprint-based criminal history records check to determine  
16 if the individual has a conviction for a disqualifying offense.  
17 This authorization shall allow the Department of Public Health  
18 to request and receive information and assistance from any  
19 State or local governmental agency. Each individual shall  
20 submit his or her fingerprints to the Department of State  
21 Police in an electronic format that complies with the form and  
22 manner for requesting and furnishing criminal history record  
23 information prescribed by the Department of State Police. The  
24 fingerprints submitted under this Section shall be checked  
25 against the fingerprint records now and hereafter filed in the  
26 Department of State Police criminal history record databases.

1 The Department of State Police shall charge a fee for  
2 conducting the criminal history records check, which shall not  
3 exceed the actual cost of the records check. The livescan  
4 vendor may act as the designee for individuals, educational  
5 entities, or health care employers in the collection of  
6 Department of State Police fees and deposit those fees into the  
7 State Police Services Fund. The Department of State Police  
8 shall provide information concerning any criminal convictions,  
9 now or hereafter filed, against the individual.

10 (c) On October 1, 2007 or as soon thereafter as is  
11 reasonably practical, in the discretion of the Director of  
12 Public Health, and thereafter, an educational entity, other  
13 than a secondary school, conducting a nurse aide training  
14 program must initiate a fingerprint-based criminal history  
15 records check requested by the Department of Public Health  
16 prior to entry of an individual into the training program.

17 (d) On October 1, 2007 or as soon thereafter as is  
18 reasonably practical, in the discretion of the Director of  
19 Public Health, and thereafter, a health care employer who makes  
20 a conditional offer of employment to an applicant for a  
21 position as an employee must initiate a fingerprint-based  
22 criminal history record check, requested by the Department of  
23 Public Health, on the applicant, if such a background check has  
24 not been previously conducted.

25 (e) When initiating a background check requested by the  
26 Department of Public Health, an educational entity or health

1 care employer shall electronically submit to the Department of  
2 Public Health the student's, applicant's, or employee's social  
3 security number, demographics, disclosure, and authorization  
4 information in a format prescribed by the Department of Public  
5 Health within 2 working days after the authorization is  
6 secured. The student, applicant, or employee must have his or  
7 her fingerprints collected electronically and transmitted to  
8 the Department of State Police within 10 working days. The  
9 educational entity or health care employer must transmit all  
10 necessary information and fees to the livescan vendor and  
11 Department of State Police within 10 working days after receipt  
12 of the authorization. This information and the results of the  
13 criminal history record checks shall be maintained by the  
14 Department of Public Health's Health Care Worker Registry.

15 (f) A direct care employer may initiate a fingerprint-based  
16 background check requested by the Department of Public Health  
17 for any of its employees, but may not use this process to  
18 initiate background checks for residents. The results of any  
19 fingerprint-based background check that is initiated with the  
20 Department as the requestor shall be entered in the Health Care  
21 Worker Registry.

22 (g) As long as the employee has had a fingerprint-based  
23 criminal history record check requested by the Department of  
24 Public Health and stays active on the Health Care Worker  
25 Registry, no further criminal history record checks shall be  
26 deemed necessary, as the Department of State Police shall

1 notify the Department of Public Health of any additional  
2 convictions associated with the fingerprints previously  
3 submitted. Health care employers are required to check the  
4 Health Care Worker Registry before hiring an employee to  
5 determine that the individual has had a fingerprint-based  
6 record check requested by the Department of Public Health and  
7 has no disqualifying convictions or has been granted a waiver  
8 pursuant to Section 40 of this Act. If the individual has not  
9 had such a background check or is not active on the Health Care  
10 Worker Registry, then the health care employer must initiate a  
11 fingerprint-based record check requested by the Department of  
12 Public Health. If an individual is inactive on the Health Care  
13 Worker Registry, that individual is prohibited from being hired  
14 to work as a certified nurse aide if, since the individual's  
15 most recent completion of a competency test, there has been a  
16 period of 24 consecutive months during which the individual has  
17 not provided nursing or nursing-related services for pay. If  
18 the individual can provide proof of having retained his or her  
19 certification by not having a 24 consecutive month break in  
20 service for pay, he or she may be hired as a certified nurse  
21 aide and that employment information shall be entered into the  
22 Health Care Worker Registry.

23 (h) On October 1, 2007 or as soon thereafter as is  
24 reasonably practical, in the discretion of the Director of  
25 Public Health, and thereafter, if the Department of State  
26 Police notifies the Department of Public Health that an

1 employee has a new conviction of a disqualifying offense, based  
2 upon the fingerprints that were previously submitted, then (i)  
3 the Health Care Worker Registry shall notify the employee's  
4 last known employer of the offense, (ii) a record of the  
5 employee's disqualifying offense shall be entered on the Health  
6 Care Worker Registry, and (iii) the individual shall no longer  
7 be eligible to work as an employee unless he or she obtains a  
8 waiver pursuant to Section 40 of this Act.

9 (i) On October 1, 2007, or as soon thereafter, in the  
10 discretion of the Director of Public Health, as is reasonably  
11 practical, and thereafter, each direct care employer or its  
12 designee must provide an employment verification for each  
13 employee no less than annually. The direct care employer or its  
14 designee must log into the Health Care Worker Registry through  
15 a secure login. The health care employer or its designee must  
16 indicate employment and termination dates within 30 days after  
17 hiring or terminating an employee, as well as the employment  
18 category and type. Failure to comply with this subsection (i)  
19 constitutes a licensing violation. For health care employers  
20 that are not licensed or certified, a fine of up to \$500 may be  
21 imposed for failure to maintain these records. This information  
22 shall be used by the Department of Public Health to notify the  
23 last known employer of any disqualifying offenses that are  
24 reported by the Department of State Police.

25 (j) The Department of Public Health shall notify each  
26 health care employer or long-term care facility inquiring as to

1 the information on the Health Care Worker Registry if the  
2 applicant or employee listed on the registry has a  
3 disqualifying offense and is therefore ineligible to work. In  
4 the event that an applicant or employee has a waiver for one or  
5 more disqualifying offenses pursuant to Section 40 of this Act  
6 and he or she is otherwise eligible to work, the Department of  
7 Public Health shall report that the applicant or employee is  
8 eligible to work and may report that the applicant or employee  
9 has received a waiver ~~or has a waiver pursuant to Section 40 of~~  
10 ~~this Act.~~

11 (k) The student, applicant, or employee must be notified of  
12 each of the following whenever a fingerprint-based criminal  
13 history records check is required:

14 (1) That the educational entity, health care employer,  
15 or long-term care facility shall initiate a  
16 fingerprint-based criminal history record check requested  
17 by the Department of Public Health of the student,  
18 applicant, or employee pursuant to this Act.

19 (2) That the student, applicant, or employee has a  
20 right to obtain a copy of the criminal records report that  
21 indicates a conviction for a disqualifying offense and  
22 challenge the accuracy and completeness of the report  
23 through an established Department of State Police  
24 procedure of Access and Review.

25 (3) That the applicant, if hired conditionally, may be  
26 terminated if the criminal records report indicates that



1 the applicant has a record of a conviction of any of the  
2 criminal offenses enumerated in Section 25, unless the  
3 applicant obtains a waiver pursuant to Section 40 of this  
4 Act.

5 (4) That the applicant, if not hired conditionally,  
6 shall not be hired if the criminal records report indicates  
7 that the applicant has a record of a conviction of any of  
8 the criminal offenses enumerated in Section 25, unless the  
9 applicant obtains a waiver pursuant to Section 40 of this  
10 Act.

11 (5) That the employee shall be terminated if the  
12 criminal records report indicates that the employee has a  
13 record of a conviction of any of the criminal offenses  
14 enumerated in Section 25.

15 (6) If, after the employee has originally been  
16 determined not to have disqualifying offenses, the  
17 employer is notified that the employee has a new  
18 conviction(s) of any of the criminal offenses enumerated in  
19 Section 25, then the employee shall be terminated.

20 (1) A health care employer or long-term care facility may  
21 conditionally employ an applicant for up to 3 months pending  
22 the results of a fingerprint-based criminal history record  
23 check requested by the Department of Public Health.

24 (m) The Department of Public Health or an entity  
25 responsible for inspecting, licensing, certifying, or  
26 registering the health care employer or long-term care facility

1 shall be immune from liability for notices given based on the  
2 results of a fingerprint-based criminal history record check.

3 (Source: P.A. 95-120, eff. 8-13-07.)

4 (225 ILCS 46/40)

5 Sec. 40. Waiver.

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

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

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

17 (3) providing official documentation showing that all  
18 fines have been paid, if applicable and except for in the  
19 instance of payment of court-imposed fines or restitution  
20 in which the applicant is adhering to a payment schedule,  
21 and the date probation or parole was satisfactorily  
22 completed, if applicable.

23 (b) The applicant may, but is not required to, submit  
24 employment and character references and any other evidence  
25 demonstrating the ability of the applicant or employee to

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

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

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

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

25 (f) A health care employer is not obligated to employ or  
26 offer permanent employment to an applicant, or to retain an

1 employee who is granted a waiver under this Section.

2 (Source: P.A. 95-120, eff. 8-13-07; 95-545, eff. 8-28-07;  
3 95-876, eff. 8-21-08; 96-565, eff. 8-18-09.)

4 (225 ILCS 46/40.1 new)

5 Sec. 40.1. Health Care Worker Registry working group. The  
6 Office of the Governor shall establish a working group  
7 regarding the activities under this Act, with the following  
8 goals:

9 (1) to evaluate and monitor the success of health care  
10 waivers under Section 40 in creating job opportunity for  
11 people with criminal records; and

12 (2) to identify and recommend changes to the waiver  
13 application and implementation process to reduce barriers  
14 for applicants or employees.

15 The working group shall be comprised of representatives  
16 from advocacy and community-based organizations, individuals  
17 directly impacted by the waiver process, industry  
18 representatives, members of the General Assembly, and  
19 representatives from the Department of Public Health and the  
20 Office of the Governor. The working group shall meet at least 2  
21 times each year. In order to facilitate the goals of the  
22 working group, the Department of Public Health shall identify  
23 ways to analyze information regarding employment of people with  
24 waivers and report this information to the working group.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.

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2

Statutes amended in order of appearance

3

210 ILCS 45/3-206.01 from Ch. 111 1/2, par. 4153-206.01

4

225 ILCS 46/25

5

225 ILCS 46/33

6

225 ILCS 46/40

7

225 ILCS 46/40.1 new