

AN ACT concerning health care workers.

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

Section 5. The Health Care Worker Background Check Act
is amended by changing Sections 25 and 65 as follows:

(225 ILCS 46/25)

Sec. 25. Persons ineligible to be hired by health care
employers.

(a) After January 1, 1996, or January 1, 1997, as
applicable, 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,
who has been convicted of committing or attempting to commit
one or more of the offenses defined in Sections 8-1.1, 8-1.2,
9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3, 10-1, 10-2,
10-3, 10-3.1, 10-4, 10-5, 10-7, 11-6, 11-9.1, 11-19.2,
11-20.1, 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1,
12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4,
12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21,
12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2,
18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1,
24-1.2, 24-1.5, or 33A-2 of the Criminal Code of 1961; those
provided in Section 4 of the Wrongs to Children Act; those
provided in Section 53 of the Criminal Jurisprudence Act;
those defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis
Control Act; or those defined in Sections 401, 401.1, 404,
405, 405.1, 407, or 407.1 of the Illinois Controlled
Substances Act, unless the applicant or employee obtains a
waiver pursuant to Section 40.

(a-1) After January 1, 2004, no health care employer
shall knowingly hire any individual in a position with duties

involving direct care for clients, patients, or residents who has (i) been convicted of committing or attempting to commit one or more of the offenses defined in Section 12-3.3, 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card Act; or Section 5.1 of the Wrongs to Children Act; or (ii) violated Section 10-5 of the Nursing and Advanced Practice Nursing Act.

A UCIA criminal history record check need not be redone for health care employees who have been continuously employed by a health care employer since January 1, 2004, but nothing in this Section prohibits a health care employer from initiating a criminal history check for these employees.

A health care employer is not required to retain an individual in a position with duties involving direct care for clients, patients, or residents who has been convicted of committing or attempting to commit one or more of the offenses enumerated in this subsection.

(b) A health care employer shall not hire, employ, or retain any individual in a position with duties involving direct care of clients, patients, or residents if the health care employer becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsection (a) or (a-1), as verified by court records, records from a state agency, or an FBI criminal history record check. This shall not be construed to mean that a health care employer has an obligation to conduct a criminal history records check in other states in which an employee has resided.

(Source: P.A. 90-441, eff. 1-1-98; 91-598, eff. 1-1-00.)

Sec. 65. Health Care Worker Task Force. A Health Care Worker Task Force shall be appointed ~~no later than July 1, 1996,~~ to study and make recommendations on statutory changes to this Act.

(a) The Task Force shall monitor the status of the implementation of this Act and monitor complaint investigations relating to this Act by the Department on Aging, Department of Public Health, Department of Professional Regulation, and the Department of Human Services to determine the criminal background, if any, of health care workers who have had findings of abuse, theft, or exploitation.

(b) The Task Force shall make recommendations concerning: ~~(1) additional health care positions, including licensed individuals and volunteers, that should be included in the Act; (2) development of a transition to fingerprint-based State and federal criminal records checks for all direct care applicants or employees; (3) development of a system that is affordable to applicants; (4) modifications to the list of offenses enumerated in Section 25, including time limits on all or some of the disqualifying offenses;~~ and (5) any other necessary or desirable changes to the Act.

(c) The Task Force shall issue an interim report to the Governor and General Assembly no later than January 1, 2004 ~~December 31, 1996~~. The final report shall be issued no later than September 30, 2005 ~~1997~~, and shall include specific statutory changes recommended, if any.

(d) The Task Force shall be composed ~~emprised~~ of the following members, who shall serve without pay:

(1) a chairman knowledgeable about health care issues, who shall be appointed by the Governor;

(2) the Director of ~~the Department of~~ Public Health or his or her designee;

(3) the Director of the-Department-of State Police
or his or her designee;

(3.5) the Director of the-Department-of Public Aid
or his or her designee;

(3.6) the Secretary of Human Services or his or her
designee;

(3.7) the Director of Aging or his or her designee;

(4) 2 representatives of health care providers, who
shall be appointed by the Governor;

(5) 2 representatives of health care employees, who
shall be appointed by the Governor;

(5.5) a representative of a Community Care
homemaker program, who shall be appointed by the
Governor;

(6) a representative of the general public who has
an interest in health care, who shall be appointed by the
Governor; and

(7) 4 members of the General Assembly, one
appointed by the Speaker of the House, one appointed by
the House Minority Leader, one appointed by the President
of the Senate, and one appointed by the Senate Minority
Leader.

(Source: P.A. 89-197, eff. 7-21-95; 89-507, eff. 7-1-97;
89-674, eff. 8-14-96; 90-14, eff. 7-1-97.)

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