

1 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21,
2 12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2,
3 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1,
4 24-1.2, 24-1.5, or 33A-2 of the Criminal Code of 1961; those
5 provided in Section 4 of the Wrongs to Children Act; those
6 provided in Section 53 of the Criminal Jurisprudence Act;
7 those defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis
8 Control Act; or those defined in Sections 401, 401.1, 404,
9 405, 405.1, 407, or 407.1 of the Illinois Controlled
10 Substances Act, unless the applicant or employee obtains a
11 waiver pursuant to Section 40.

12 (a-1) After January 1, 2004, no health care employer
13 shall knowingly hire any individual in a position with duties
14 involving direct care for clients, patients, or residents who
15 has (i) been convicted of committing or attempting to commit
16 one or more of the offenses defined in Section 12-3.3,
17 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,
18 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of
19 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit
20 Card and Debit Card Act; or Section 5.1 of the Wrongs to
21 Children Act; or (ii) violated Section 10-5 of the Nursing
22 and Advanced Practice Nursing Act.

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

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

33 (b) A health care employer shall not hire, employ, or
34 retain any individual in a position with duties involving

1 direct care of clients, patients, or residents if the health
 2 care employer becomes aware that the individual has been
 3 convicted in another state of committing or attempting to
 4 commit an offense that has the same or similar elements as an
 5 offense listed in subsection (a) or (a-1), as verified by
 6 court records, records from a state agency, or an FBI
 7 criminal history record check. This shall not be construed to
 8 mean that a health care employer has an obligation to conduct
 9 a criminal history records check in other states in which an
 10 employee has resided.

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

12 (225 ILCS 46/65)

13 Sec. 65. Health Care Worker Task Force. A Health Care
 14 Worker Task Force shall be appointed ~~no later than July 17~~
 15 ~~1996~~, to study and make recommendations on statutory changes
 16 to this Act.

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

25 (b) The Task Force shall make recommendations
 26 concerning: ~~(1) additional health care positions, including~~
 27 ~~licensed individuals and volunteers, that should be included~~
 28 ~~in the Act; (2) development of a transition to~~
 29 ~~fingerprint-based State and federal criminal records checks~~
 30 ~~for all direct care applicants or employees; (3) development~~
 31 ~~of a system that is affordable to applicants; (4)~~
 32 modifications to the list of offenses enumerated in Section
 33 25, including time limits on all or some of the disqualifying

1 offenses,; and ~~(5)~~ any other necessary or desirable changes
2 to the Act.

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

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

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

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

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

16 (3.5) the Director of ~~the-Department-of~~ Public Aid
17 or his or her designee;

18 (3.6) the Secretary of Human Services or his or her
19 designee;

20 (3.7) the Director of Aging or his or her designee;

21 (4) 2 representatives of health care providers, who
22 shall be appointed by the Governor;

23 (5) 2 representatives of health care employees, who
24 shall be appointed by the Governor;

25 (5.5) a representative of a Community Care
26 homemaker program, who shall be appointed by the
27 Governor;

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

31 (7) 4 members of the General Assembly, one
32 appointed by the Speaker of the House, one appointed by
33 the House Minority Leader, one appointed by the President
34 of the Senate, and one appointed by the Senate Minority

1 Leader.

2 (Source: P.A. 89-197, eff. 7-21-95; 89-507, eff. 7-1-97;
3 89-674, eff. 8-14-96; 90-14, eff. 7-1-97.)

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