



Labor Committee

Filed: 3/11/2009

09600HB0762ham001

LRB096 08663 ASK 23403 a

1 AMENDMENT TO HOUSE BILL 762

2 AMENDMENT NO. _____. Amend House Bill 762 by replacing
3 everything after the enacting clause with the following:

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,

1 and (v) any other circumstances surrounding the offense;
2 and

3 (3) providing official documentation showing that all
4 fines have been paid, if applicable and except for in the
5 instance of payment of court-imposed fines or restitution
6 in which the applicant is adhering to a payment schedule,
7 and the date probation or parole was satisfactorily
8 completed, if applicable.

9 (b) The applicant may, but is not required to, submit
10 employment and character references and any other evidence
11 demonstrating the ability of the applicant or employee to
12 perform the employment responsibilities competently and
13 evidence that the applicant or employee does not pose a threat
14 to the health or safety of residents, patients, or clients.

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

23 (d) An individual shall not be employed from the time that
24 the employer receives a notification from the Department of
25 Public Health based upon the results of a fingerprint-based
26 criminal history records check containing disqualifying

1 conditions until the time that the individual receives a
2 waiver.

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

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

10 (Source: P.A. 94-665, eff. 1-1-06; 95-120, eff. 8-13-07;
11 95-545, eff. 8-28-07; 95-876, eff. 8-21-08.)

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