**Section 686.1740 Background Screening Dispute**

a) If a dispute arises between the Individual Provider and the State regarding the accuracy or correctness of the background screening results, the State shall verify the screening results through a reliable background check process.

b) If the background screening result shows a potential conviction for one of the crimes listed in Section 686.1720(a) or Section 686.1730(a) within the specified time period, the State shall notify the Individual Provider and Customer of the background screening result. The State shall give the Individual Provider the opportunity to confirm or dispute the accuracy of the background screening results and to submit additional information to the State regarding the criminal conviction no later than 20 days from the date of the notification. Exceptions to this timeframe may be granted for good cause, which may include but is not limited to, illness or incapacity, family crisis, unexpected emergency, and limitations to an individual’s literacy.

c) The Individual Provider may submit additional information that may supplement their dispute of the background screening results. The additional information submitted to the State may include, but need not be limited to:

1) Whether the Individual Provider disputes the accuracy or correctness of the screening results;

2) The nature of the seriousness of the offense(s);

3) Circumstances surrounding the offense;

4) Time elapsed since the offense(s);

5) Number or repeated offenses and number of times each offense has been repeated;

6) Age at the time of offense(s);

7) Involvement, since the date of the criminal offense, with the criminal justice system and/or child or adult protective services;

8) Disclosure of the criminal conviction(s) by the prospective worker to the person receiving services, the surrogate, and the legal guardian, if any;

9) Prospective worker’s unique caregiving relationship with the person receiving services;

10) Unavailability of other workers who could reasonably be expected to perform the care required;

11) Any other information the Individual Provider believes will assist in disposing of their application or assisting the Customer in making the decision regarding whether or not to consent to working with the Individual Provider as described below; and

12) Any other information requested by the State or Customer.

d) Failure of the Individual Provider to either confirm or dispute the accuracy of the background screening results may result in termination from the program without penalty and without prejudice to the ability to reenroll in the program upon compliance with this policy.

(Source: Added at 46 Ill. Reg. 20865, effective December 19, 2022)