



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4525

by Rep. Silvana Tabares

SYNOPSIS AS INTRODUCED:

225 ILCS 46/25

Amends the Health Care Worker Background Check Act. Provides that a health care employer shall conduct a criminal history records check in all other states in which an applicant for employment or an employee has resided to determine if the individual has been convicted in another state of committing or attempting to commit a criminal offense that has the same or similar elements as a disqualifying offense under by the Act.

LRB098 17703 ZMM 52818 b

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 Health Care Worker Background Check Act is
5 amended by changing Section 25 as follows:

6 (225 ILCS 46/25)

7 Sec. 25. Persons ineligible to be hired by health care
8 employers and long-term care facilities.

9 (a) In the discretion of the Director of Public Health, as
10 soon after January 1, 1996, January 1, 1997, January 1, 2006,
11 or October 1, 2007, as applicable, and as is reasonably
12 practical, no health care employer shall knowingly hire,
13 employ, or retain any individual in a position with duties
14 involving direct care for clients, patients, or residents, and
15 no long-term care facility shall knowingly hire, employ, or
16 retain any individual in a position with duties that involve or
17 may involve contact with residents or access to the living
18 quarters or the financial, medical, or personal records of
19 residents, who has been convicted of committing or attempting
20 to commit one or more of the following offenses: those defined
21 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
22 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
23 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,

1 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,
2 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
3 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,
4 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,
5 12-33, 12C-5, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1,
6 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 19-6, 20-1, 20-1.1,
7 24-1, 24-1.2, 24-1.5, or 33A-2, or subdivision (a)(4) of
8 Section 11-14.4, or in subsection (a) of Section 12-3 or
9 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
10 of 1961 or the Criminal Code of 2012; those provided in Section
11 4 of the Wrongs to Children Act; those provided in Section 53
12 of the Criminal Jurisprudence Act; those defined in Section 5,
13 5.1, 5.2, 7, or 9 of the Cannabis Control Act; those defined in
14 the Methamphetamine Control and Community Protection Act; or
15 those defined in Sections 401, 401.1, 404, 405, 405.1, 407, or
16 407.1 of the Illinois Controlled Substances Act, unless the
17 applicant or employee obtains a waiver pursuant to Section 40.

18 (a-1) In the discretion of the Director of Public Health,
19 as soon after January 1, 2004 or October 1, 2007, as
20 applicable, and as is reasonably practical, no health care
21 employer shall knowingly hire any individual in a position with
22 duties involving direct care for clients, patients, or
23 residents, and no long-term care facility shall knowingly hire
24 any individual in a position with duties that involve or may
25 involve contact with residents or access to the living quarters
26 or the financial, medical, or personal records of residents,

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

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

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

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

19 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section
20 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff. 7-1-11;
21 96-1551, Article 10, Section 10-40, eff. 7-1-11; 97-597, eff.
22 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
23 eff. 1-25-13.)