**Section 380.180 Identified Offenders**

a) The facility shall review the results of the criminal history background checks immediately upon receipt of the checks.

b) The facility shall be responsible for taking all steps necessary to ensure the safety of consumers while the results of a name-based background check or a fingerprint-based check are pending.

c) *If the results of a consumer's criminal history background check reveal that the consumer is an identified offender as defined in* Section 1-102 ofthe *Act, the facility shall do the following*:

1) *Immediately notify the Department of State Police, in the form and manner required by* DSP*, in collaboration with the Department of Public Health, that the consumer is an identified offender*.

2) *Within 72 hours, arrange for a fingerprint-based criminal history record inquiry to be requested on the identified offender consumer. The inquiry shall be based on the subject's name, sex, race, date of birth, fingerprint images, and other identifiers required by* DSP*. The inquiry shall be processed through the files of* DSP *and the Federal Bureau of Investigation to locate any criminal history record information that may exist regarding the subject. The Federal Bureau of Investigation shall furnish to* DSP *pursuant to an inquiry under this subsection* (c)(2) and Section 2-104(b) of the Act*, any criminal history record information contained in its files*. (Section 2-104(b) of the Act)

d) The facility shall comply with all applicable provisions contained in the Uniform Conviction Information Act.

e) All name-based and fingerprint-based criminal history record inquiries shall be submitted to DSP electronically in the form and manner prescribed by DSP. DSP may charge the facility a fee for processing name-based and fingerprint-based criminal history record inquiries. The fee shall be deposited into the State Police Services Fund. The fee shall not exceed the actual cost of processing the inquiry.

f) If identified offenders are consumers of a facility, the facility shall comply with all of the following requirements:

1) The facility shall inform the appropriate county and local law enforcement offices of the identity of identified offenders who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense who are consumers of the facility. If a consumer of a licensed facility is an identified offender, any federal, State or local law enforcement officer or county probation officer shall be permitted reasonable access to the individual consumer to verify compliance with the requirements of the Sex Offender Registration Act, to verify compliance with the requirements of the Act and this Part, or to verify compliance with applicable terms of probation, parole or mandatory supervised release. Reasonable access under this provision shall not interfere with the identified offender's medical or psychiatric care.

2) The facility staff shall meet with local law enforcement officials to discuss the need for and to develop, if needed, policies and procedures to address the presence of facility consumers who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense, including compliance with Section 380.550.

3) Every licensed facility shall provide to every prospective and current consumer and consumer's guardian, and to every facility employee, a written notice, prescribed by the Department, advising the consumer, guardian or employee of his or her right to ask whether any consumers of the facility are identified offenders. The facility shall confirm whether identified offenders are residing in the facility.

A) The notice shall also be prominently posted within every licensed facility.

B) The notice shall include a statement that information regarding registered sex offenders may be obtained from the DSP website, www.isp.state.il.us, and that information regarding persons serving terms of parole or mandatory supervised release may be obtained from the Illinois Department of Corrections website, www.idoc.state.il.us.

4) If the identified offender is on probation, parole or mandatory supervised release, the facility shall contact the consumer's probation or parole officer, acknowledge the terms of release, update contact information with the probation or parole office, and maintain updated contact information in the consumer's record. The record must also include the consumer's criminal history record.

g) Facilities shall maintain written documentation of compliance with Section 380.170.

h) Recovery and rehabilitation supports units and transitional living units shall annually complete all of the steps required in subsection (f) for identified offenders. This requirement does not apply to consumers who have not been discharged from the facility during the previous 12 months.

i) For current consumers who are identified offenders, the facility shall review the security measures listed in the Identified Offender Report and Recommendation provided by DSP.

j) Upon admission of an identified offender to a facility or a decision to retain an identified offender in a facility, the facility, in consultation with the psychiatric medical director and law enforcement, shall specifically address the consumer's needs in an individualized treatment plan.

k) *The facility shall incorporate the Identified Offender Report and Recommendation into the identified offender's care* *plan* (treatment plan) *created pursuant to 42 CFR 483.20*. (Section 2-105(f) of the Act)

l) *If the identified offender is a convicted* (see 730 ILCS 150/2) *or registered* (see 730 ILCS 150/3) *sex offender or if the Identified Offender Report and Recommendation* prepared pursuant to Section 2-105(d) of the Act *reveals that the identified offender poses a significant risk of harm to others within the facility, the offender shall be required to have his or her own room within the facility*. (Section 2-105(d) of the Act)

m) The facility's reliance on the Identified Offender Report and Recommendation shall not relieve or indemnify in any manner the facility's liability or responsibility with regard to the identified offender or other facility consumers.

n) The facility remains responsible for continuously evaluating the identified offender and for making any changes in the treatment plan that are necessary to ensure the safety of consumers.

o) Incident reports shall be submitted to the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in compliance with Section 380.530. The facility shall review its treatment plan and placement determination of identified offenders based on incident reports involving the identified offender. In incident reports involving identified offenders, the facility shall identify whether the incident involves substance abuse, aggressive behavior, or inappropriate sexual behavior, as well as any other behavior or activity that would be reasonably likely to cause harm to the identified offender or others. If the facility cannot protect the other consumers from misconduct by the identified offender, or *if, based on the Identified Offender Report and Recommendation, a facility determines that it cannot manage the identified offender consumer safely within the facility, it shall commence involuntary transfer or discharge proceedings pursuant to Section 3-402* of the Nursing Home Care Act. (Section 2-105(g) of the Act)

p) The facility shall notify any appropriate local law enforcement agency, the Illinois Prisoner Review Board, or the Department of Corrections of the incident and whether it involved substance abuse, aggressive behavior, or inappropriate sexual behavior that would necessitate relocation of that consumer.

q) The facility shall develop written procedures for implementing changes in consumer care and facility policies when the consumer no longer meets the definition of identified offender as defined in the Act and this Part.