**Section 390.625 Determination of Need Screening and Request for Criminal History Record Information**

a) *All persons age 18 or older seeking admission to a facility must be screened to determine the need for facility services prior to being admitted, regardless of income, assets, or funding source*. (Section 2-201.5(a) of the Act) A screening assessment is not required provided one of the conditions in 89 Ill. Adm. Code 140.642(c) is met.

b) *Any person who seeks to become eligible for medical assistance from the Medical Assistance Program under the Illinois Public Aid Code to pay for services while residing in a facility* shall *be screened prior to receiving those benefits* in accordance with 89 Ill. Adm. Code 140.642. (Section 2-201.5(a) of the Act)

c) *Screening for facility services shall be administered through procedures established* pursuant to 89 Ill. Adm. Code 140.642 (Section 2-201.5(a) of the Act)

1) *Any screening shall also include an evaluation of whether there are residential supports and services or an array of community services that would enable the person to live in the community.*

2) *The person shall be told about the existence of any such services that would enable the person to live safely and humanely in the least restrictive environment, that is appropriate, that the individual or guardian chooses, and the person shall be given the assistance necessary to avail himself or herself of any available services.* (Section 2-201.5(a-1) of the Act)

d) *In addition to the screening required by* Section 2-201.5(a) of the Act and this Section, *a facility shall, within 24 hours after admission* of a resident, *request a criminal history background check pursuant to the Uniform Conviction Information Act for all persons age 18 or older seeking admission to the facility. Background checks conducted pursuant to* the Act and *this Section shall be based on the resident's name, date of birth, and other identifiers as required by the Department of State Police*. (Section 2-201.5(b) of the Act)

e) The facility shall check for the individual's name on the Illinois State Police Sex Offender Registry website at https://isp.illinois.gov/Sor, the Illinois Department of Corrections Parolee Sex Offender Registrant website at https://www2.illinois.gov/idoc/Offender/Pages/ParoleeSexRegistrantSearch.aspx, and the National Sex Offender Public Website at www.nsopw.gov/en/Search/Results to determine if the individual is listed as a registered sex offender.

f) *If the results of the background check are inconclusive, the facility shall initiate a fingerprint-based check, unless the fingerprint-based check is waived by the Director of Public Health based on verification by the facility that the resident is completely immobile or that the resident meets other criteria related to the resident's health or lack of potential risk*, such as the existence of a severe, debilitating physical, medical, or mental condition that nullifies any potential risk presented by the resident. (Section 2-201.5(b) of the Act)

g) The facility shall arrange for a fingerprint-based background check or request a waiver from the Department within five days after receiving inconclusive results of a name-based background check. The fingerprint-based background check shall be conducted within 25 days after receiving the inconclusive results of the name-based check.

h) *A waiver, issued pursuant to* Section 2-201.5(b) of the Actand criteria included in subsection (f), *shall be valid only while the resident is immobile or while the criteria supporting the waiver exist*. (Section 2-201.5(b) of the Act)

i) *The facility shall provide for or arrange for any required fingerprint-based checks. If a fingerprint-based check is required, the facility shall arrange for it to be conducted in a manner that is respectful of the resident's dignity and that minimizes any emotional or physical hardship to the resident*. (Section 2-201.5(b) of the Act) If a facility is unable to conduct a fingerprint-based background check in compliance with this Section, then it shall provide conclusive evidence of the resident's immobility or risk nullification of the wavier issued pursuant to Section 2-201.5(b) of the Act.

j) The facility shall be responsible for taking all steps necessary to ensure the safety of residents while the results of a name-based background check or a fingerprint-based background check are pending; while the results of a request for waiver of a fingerprint-based check are pending; and while the Identified Offender Report and Recommendation is pending.

(Source: Former Section repealed at 31 Ill. Reg. 6145, effective April 3, 2007 and new Section adopted at 46 Ill. Reg. 8192, effective May 6, 2022)