**Section 395.171 Health Care Worker Background Check**

a) A training program shall comply with the Health Care Worker Background Check Act and the Health Care Worker Background Check Code. *An educational entity, other than a secondary school, conducting a nurse aide training program shall initiate a fingerprint-based criminal history records check required by this Act prior to entry of an individual into the training program.* (Section 33(c) of the Health Care Worker Background Check Act). Students who do not have a completed fingerprint-based background check shall have one initiated before the first day of classes.

b) A training program shall provide counseling to all individuals seeking admission to the training program concerning the Health Care Worker Background Check Act and the Health Care Worker Background Check Code. The counseling shall include, at a minimum:

1) Notification that a fingerprint-based criminal history records check will be initiated before the first day of classes;

2) A clear statement that a fingerprint-based criminal history records check is required for the individual to work as a direct access worker, a CNA or a Direct Support Person in Illinois; and

3) A listing of those offenses in Section 25 of the Health Care Worker Background Check Act for which a conviction would disqualify the individual from finding employment as a direct access worker, a CNA or a Direct Support Person unless the individual obtained a waiver pursuant to Section 40 of the Health Care Worker Background Check Act.

c) An individual shall not be allowed to enroll in a training program unless the individual has had:

1) A criminal background check that reveals no disqualifying convictions, unless a waiver has been granted;

2) No administrative findings of abuse, neglect, or misappropriation of property; and

3) Background checks shall be initiated before the first day of classes, but students may continue through the program, including clinical rotations, for up to 3 months while the results of the background check are pending.

d) An individual who is found to have a disqualifying conviction shall be immediately disenrolled from a program. If a waiver request is submitted and approved by the Department pursuant to Section 40 of the Health Care Worker Background Check Act, the individual may re-enroll.

(Source: Amended at 48 Ill. Reg. 17753, effective December 2, 2024)