

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 15 as follows:

6 (225 ILCS 46/15)

7 Sec. 15. Definitions. In this Act:

8 "Applicant" means an individual enrolling in a training  
9 program, seeking employment, whether paid or on a volunteer  
10 basis, with a health care employer who has received a bona fide  
11 conditional offer of employment.

12 "Conditional offer of employment" means a bona fide offer  
13 of employment by a health care employer to an applicant, which  
14 is contingent upon the receipt of a report from the Department  
15 of Public Health indicating that the applicant does not have a  
16 record of conviction of any of the criminal offenses  
17 enumerated in Section 25.

18 "Department" means the Department of Public Health.

19 "Direct care" means the provision of nursing care or  
20 assistance with feeding, dressing, movement, bathing,  
21 toileting, or other personal needs, including home services as  
22 defined in the Home Health, Home Services, and Home Nursing  
23 Agency Licensing Act. The entity responsible for inspecting

1 and licensing, certifying, or registering the health care  
2 employer may, by administrative rule, prescribe guidelines for  
3 interpreting this definition with regard to the health care  
4 employers that it licenses.

5 "Director" means the Director of Public Health.

6 "Disqualifying offenses" means those offenses set forth in  
7 Section 25 of this Act.

8 "Employee" means any individual hired, employed, or  
9 retained, whether paid or on a volunteer basis, to which this  
10 Act applies.

11 "Finding" means the Department's determination of whether  
12 an allegation is verified and substantiated.

13 "Fingerprint-based criminal history records check" means a  
14 livescan fingerprint-based criminal history records check  
15 submitted as a fee applicant inquiry in the form and manner  
16 prescribed by the Illinois State Police.

17 "Health care employer" means:

18 (1) the owner or licensee of any of the following:

19 (i) a community living facility, as defined in the  
20 Community Living Facilities Licensing Act;

21 (ii) a life care facility, as defined in the Life  
22 Care Facilities Act;

23 (iii) a long-term care facility;

24 (iv) a home health agency, home services agency,  
25 or home nursing agency as defined in the Home Health,  
26 Home Services, and Home Nursing Agency Licensing Act;

1 (v) a hospice care program or volunteer hospice  
2 program, as defined in the Hospice Program Licensing  
3 Act;

4 (vi) a hospital, as defined in the Hospital  
5 Licensing Act;

6 (vii) (blank);

7 (viii) a nurse agency, as defined in the Nurse  
8 Agency Licensing Act;

9 (ix) a respite care provider, as defined in the  
10 Respite Program Act;

11 (ix-a) an establishment licensed under the  
12 Assisted Living and Shared Housing Act;

13 (x) a supportive living program, as defined in the  
14 Illinois Public Aid Code;

15 (xi) early childhood intervention programs as  
16 described in 59 Ill. Adm. Code 121;

17 (xii) the University of Illinois Hospital,  
18 Chicago;

19 (xiii) programs funded by the Department on Aging  
20 through the Community Care Program;

21 (xiv) programs certified to participate in the  
22 Supportive Living Program authorized pursuant to  
23 Section 5-5.01a of the Illinois Public Aid Code;

24 (xv) programs listed by the Emergency Medical  
25 Services (EMS) Systems Act as Freestanding Emergency  
26 Centers;

1           (xvi) locations licensed under the Alternative  
2           Health Care Delivery Act;

3           (2) a day training program certified by the Department  
4           of Human Services;

5           (3) a community integrated living arrangement operated  
6           by a community mental health and developmental service  
7           agency, as defined in the Community-Integrated Living  
8           Arrangements Licensure and Certification Act;

9           (4) the State Long Term Care Ombudsman Program,  
10          including any regional long term care ombudsman programs  
11          under Section 4.04 of the Illinois Act on the Aging, only  
12          for the purpose of securing background checks; ~~or~~

13          (5) the Department of Corrections or a third-party  
14          vendor employing certified nursing assistants working with  
15          the Department of Corrections; or ~~-~~

16          (6) a financial management services entity contracted  
17          with the Department of Human Services, Division of  
18          Developmental Disabilities, which is not the employer of  
19          personal support workers but supports individuals  
20          receiving participant directed services, to administer the  
21          individuals' employer authority. A financial management  
22          services entity assists participants in completing  
23          background check requirements, collecting and processing  
24          time sheets for support workers, and processing payroll,  
25          withholding, filing, and payment of applicable federal,  
26          State, and local employment-related taxes and insurance.

1 "Initiate" means obtaining from a student, applicant, or  
2 employee his or her social security number, demographics, a  
3 disclosure statement, and an authorization for the Department  
4 of Public Health or its designee to request a  
5 fingerprint-based criminal history records check; transmitting  
6 this information electronically to the Department of Public  
7 Health; conducting Internet searches on certain web sites,  
8 including without limitation the Illinois Sex Offender  
9 Registry, the Department of Corrections' Sex Offender Search  
10 Engine, the Department of Corrections' Inmate Search Engine,  
11 the Department of Corrections Wanted Fugitives Search Engine,  
12 the National Sex Offender Public Registry, and the List of  
13 Excluded Individuals and Entities database on the website of  
14 the Health and Human Services Office of Inspector General to  
15 determine if the applicant has been adjudicated a sex  
16 offender, has been a prison inmate, or has committed Medicare  
17 or Medicaid fraud, or conducting similar searches as defined  
18 by rule; and having the student, applicant, or employee's  
19 fingerprints collected and transmitted electronically to the  
20 Illinois State Police.

21 "Livescan vendor" means an entity whose equipment has been  
22 certified by the Illinois State Police to collect an  
23 individual's demographics and inkless fingerprints and, in a  
24 manner prescribed by the Illinois State Police and the  
25 Department of Public Health, electronically transmit the  
26 fingerprints and required data to the Illinois State Police

1 and a daily file of required data to the Department of Public  
2 Health. The Department of Public Health shall negotiate a  
3 contract with one or more vendors that effectively demonstrate  
4 that the vendor has 2 or more years of experience transmitting  
5 fingerprints electronically to the Illinois State Police and  
6 that the vendor can successfully transmit the required data in  
7 a manner prescribed by the Department of Public Health. Vendor  
8 authorization may be further defined by administrative rule.

9 "Long-term care facility" means a facility licensed by the  
10 State or certified under federal law as a long-term care  
11 facility, including without limitation facilities licensed  
12 under the Nursing Home Care Act, the Specialized Mental Health  
13 Rehabilitation Act of 2013, the ID/DD Community Care Act, or  
14 the MC/DD Act, a supportive living facility, an assisted  
15 living establishment, or a shared housing establishment or  
16 registered as a board and care home.

17 "Resident" means a person, individual, or patient under  
18 the direct care of a health care employer or who has been  
19 provided goods or services by a health care employer.

20 (Source: P.A. 101-176, eff. 7-31-19; 102-226, eff. 7-30-21;  
21 102-503, eff. 8-20-21; 102-538, eff. 8-20-21; 102-813, eff.  
22 5-13-22.)