



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3583

Introduced 2/17/2023, by Rep. Tom Weber

#### SYNOPSIS AS INTRODUCED:

225 ILCS 46/10  
225 ILCS 46/15  
225 ILCS 46/25

Amends the Health Care Worker Background Check Act. Provides that the Act applies to persons licensed, certified, or registered by the Department of Financial and Professional Regulation under specified Acts. Provides that a felony conviction of specified offenses is a disqualifying offense and requires immediate review of the license, registration, or certification under those specified licensing Acts. Sets forth provisions concerning applicability of the changes made by the amendatory Act. Effective 6 months after becoming law.

LRB103 30047 AMQ 56470 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 Sections 10, 15, and 25 as follows:

6 (225 ILCS 46/10)

7 Sec. 10. Applicability.

8 (a) This Act applies to all individuals employed or  
9 retained by a health care employer as home health care aides,  
10 nurse aides, personal care assistants, private duty nurse  
11 aides, day training personnel, or an individual working in any  
12 similar health-related occupation where he or she provides  
13 direct care or has access to long-term care residents or the  
14 living quarters or financial, medical, or personal records of  
15 long-term care residents. This Act also applies to all  
16 employees of licensed or certified long-term care facilities  
17 who have or may have contact with residents or access to the  
18 living quarters or the financial, medical, or personal records  
19 of residents.

20 (b) This Act applies to persons licensed, certified, or  
21 registered by the Department of Financial and Professional  
22 Regulation under the Medical Practice Act of 1987, the Nurse  
23 Practice Act, the Illinois Dental Practice Act, the Massage

1 Licensing Act, the Illinois Optometric Practice Act of 1987,  
2 the Orthotics, Prosthetics, and Pedorthics Practice Act, the  
3 Illinois Physical Therapy Act, the Physician Assistant  
4 Practice Act of 1987, the Podiatric Medical Practice Act of  
5 1987, the Respiratory Care Practice Act, the Registered  
6 Surgical Assistant and Registered Surgical Technologist Title  
7 Protection Act, the Acupuncture Practice Act, and the Illinois  
8 Athletic Trainers Practice Act.

9 (Source: P.A. 94-665, eff. 1-1-06.)

10 (225 ILCS 46/15)

11 Sec. 15. Definitions. In this Act:

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

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

22 "Department" means the Department of Public Health or the  
23 Department of Financial and Professional Regulation with  
24 regard to persons licensed, certified, or registered by the  
25 Department of Professional Regulation under any of the Acts

1 specified in subsection (b) of Section 10.

2 "Direct care" means the provision of nursing care or  
3 assistance with feeding, dressing, movement, bathing,  
4 toileting, or other personal needs, including home services as  
5 defined in the Home Health, Home Services, and Home Nursing  
6 Agency Licensing Act. The entity responsible for inspecting  
7 and licensing, certifying, or registering the health care  
8 employer may, by administrative rule, prescribe guidelines for  
9 interpreting this definition with regard to the health care  
10 employers that it licenses.

11 "Director" means the Director of Public Health.

12 "Disqualifying offenses" means those offenses set forth in  
13 Section 25 of this Act.

14 "Employee" means any individual hired, employed, or  
15 retained, whether paid or on a volunteer basis, to which this  
16 Act applies.

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

19 "Fingerprint-based criminal history records check" means a  
20 livescan fingerprint-based criminal history records check  
21 submitted as a fee applicant inquiry in the form and manner  
22 prescribed by the Illinois State Police.

23 "Health care employer" means:

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

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

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

3           (iii) a long-term care facility;

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

7           (v) a hospice care program or volunteer hospice  
8 program, as defined in the Hospice Program Licensing  
9 Act;

10          (vi) a hospital, as defined in the Hospital  
11 Licensing Act;

12          (vii) (blank);

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

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

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

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

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

23          (xii) the University of Illinois Hospital,  
24 Chicago;

25          (xiii) programs funded by the Department on Aging  
26 through the Community Care Program;

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

4 (xv) programs listed by the Emergency Medical  
5 Services (EMS) Systems Act as Freestanding Emergency  
6 Centers;

7 (xvi) locations licensed under the Alternative  
8 Health Care Delivery Act;

9 (2) a day training program certified by the Department  
10 of Human Services;

11 (3) a community integrated living arrangement operated  
12 by a community mental health and developmental service  
13 agency, as defined in the Community-Integrated Living  
14 Arrangements Licensure and Certification Act;

15 (4) the State Long Term Care Ombudsman Program,  
16 including any regional long term care ombudsman programs  
17 under Section 4.04 of the Illinois Act on the Aging, only  
18 for the purpose of securing background checks; or

19 (5) the Department of Corrections or a third-party  
20 vendor employing certified nursing assistants working with  
21 the Department of Corrections.

22 "Initiate" means obtaining from a student, applicant, or  
23 employee his or her social security number, demographics, a  
24 disclosure statement, and an authorization for the Department  
25 of Public Health or its designee to request a  
26 fingerprint-based criminal history records check; transmitting

1 this information electronically to the Department of Public  
2 Health; conducting Internet searches on certain web sites,  
3 including without limitation the Illinois Sex Offender  
4 Registry, the Department of Corrections' Sex Offender Search  
5 Engine, the Department of Corrections' Inmate Search Engine,  
6 the Department of Corrections Wanted Fugitives Search Engine,  
7 the National Sex Offender Public Registry, and the List of  
8 Excluded Individuals and Entities database on the website of  
9 the Health and Human Services Office of Inspector General to  
10 determine if the applicant has been adjudicated a sex  
11 offender, has been a prison inmate, or has committed Medicare  
12 or Medicaid fraud, or conducting similar searches as defined  
13 by rule; and having the student, applicant, or employee's  
14 fingerprints collected and transmitted electronically to the  
15 Illinois State Police.

16 "Livescan vendor" means an entity whose equipment has been  
17 certified by the Illinois State Police to collect an  
18 individual's demographics and inkless fingerprints and, in a  
19 manner prescribed by the Illinois State Police and the  
20 Department of Public Health, electronically transmit the  
21 fingerprints and required data to the Illinois State Police  
22 and a daily file of required data to the Department of Public  
23 Health. The Department of Public Health shall negotiate a  
24 contract with one or more vendors that effectively demonstrate  
25 that the vendor has 2 or more years of experience transmitting  
26 fingerprints electronically to the Illinois State Police and

1 that the vendor can successfully transmit the required data in  
2 a manner prescribed by the Department of Public Health. Vendor  
3 authorization may be further defined by administrative rule.

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

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

15 (Source: P.A. 101-176, eff. 7-31-19; 102-226, eff. 7-30-21;  
16 102-503, eff. 8-20-21; 102-538, eff. 8-20-21; 102-813, eff.  
17 5-13-22.)

18 (225 ILCS 46/25)

19 Sec. 25. Hiring of people with criminal records by health  
20 care employers and long-term care facilities.

21 (a) A health care employer or long-term care facility may  
22 hire, employ, or retain any individual in a position involving  
23 direct care for clients, patients, or residents, or access to  
24 the living quarters or the financial, medical, or personal  
25 records of clients, patients, or residents who has been



1 convicted of committing or attempting to commit one or more of  
2 the following offenses only with a waiver described in Section  
3 40: those defined in Sections 8-1(b), 8-1.1, 8-1.2, 9-1,  
4 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1,  
5 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-1.20, 11-1.30,  
6 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9.1, 11-9.2, 11-9.3,  
7 11-9.4-1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,  
8 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,  
9 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,  
10 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-20.5, 12-21, 12-21.5,  
11 12-21.6, 12-32, 12-33, 12C-5, 12C-10, 16-1, 16-1.3, 16-25,  
12 16A-3, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3,  
13 19-4, 19-6, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, 24-1.8,  
14 24-3.8, or 33A-2, or subdivision (a) (4) of Section 11-14.4, or  
15 in subsection (a) of Section 12-3 or subsection (a) or (b) of  
16 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal  
17 Code of 2012; those provided in Section 4 of the Wrongs to  
18 Children Act; those provided in Section 53 of the Criminal  
19 Jurisprudence Act; those defined in subsection (c), (d), (e),  
20 (f), or (g) of Section 5 or Section 5.1, 5.2, 7, or 9 of the  
21 Cannabis Control Act; those defined in the Methamphetamine  
22 Control and Community Protection Act; those defined in  
23 Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the  
24 Illinois Controlled Substances Act; or subsection (a) of  
25 Section 3.01, Section 3.02, or Section 3.03 of the Humane Care  
26 for Animals Act.

1 (a-1) A health care employer or long-term care facility  
2 may hire, employ, or retain any individual in a position  
3 involving direct care for clients, patients, or residents, or  
4 access to the living quarters or the financial, medical, or  
5 personal records of clients, patients, or residents who has  
6 been convicted of committing or attempting to commit one or  
7 more of the following offenses only with a waiver described in  
8 Section 40: those offenses defined in Section 12-3.3,  
9 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,  
10 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or  
11 24-3.3, or subsection (b) of Section 17-32, subsection (b) of  
12 Section 18-1, or subsection (b) of Section 20-1, of the  
13 Criminal Code of 1961 or the Criminal Code of 2012; Section 4,  
14 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card  
15 Act; or Section 11-9.1A of the Criminal Code of 1961 or the  
16 Criminal Code of 2012 or Section 5.1 of the Wrongs to Children  
17 Act; or (ii) violated Section 50-50 of the Nurse Practice Act.

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

1       (a-5) A felony conviction of any of the following offenses  
2       is a disqualifying offense and requires immediate review of  
3       the license, registration, or certification under the relevant  
4       Acts for the professions identified in subsection (b) of  
5       Section 10:

6               (1) first degree murder, under Section 9-1 of the  
7               Criminal Code of 2012;

8               (2) second degree murder, under Section 9-2 of the  
9               Criminal Code of 2012;

10              (3) predatory criminal sexual assault of a child,  
11              under Section 11-1.40 of the Criminal Code of 2012;

12              (4) aggravated criminal sexual assault, under Section  
13              11-1.30 of the Criminal Code of 2012;

14              (5) criminal sexual assault; under Section 11-1.20 of  
15              the Criminal Code of 2012;

16              (6) aggravated kidnaping, under Section 10-2 of the  
17              Criminal Code of 2012;

18              (7) kidnapping, under Section 10-1 of the Criminal  
19              Code of 2012;

20              (8) aggravated battery resulting in great bodily harm  
21              or permanent disability or disfigurement, under subsection  
22              (a) of Section 12-3.05 of the Criminal Code of 2012;

23              (9) solicitation of murder, under subsection (b) of  
24              Section 8-1 of the Criminal Code of 2012;

25              (10) solicitation of murder for hire, under Section  
26              8-1.2 of the Criminal code of 2012;

1           (11) intentional homicide of an unborn child, under  
2           Section 9-1.2 of the Criminal Code of 2012;

3           (12) voluntary manslaughter of an unborn child, under  
4           Section 9-2.1 of the Criminal Code of 2012;

5           (13) concealment of homicidal death, if committed in  
6           the pursuance of job duties, under Section 9-3.4 of the  
7           Criminal Code of 2012;

8           (14) concealment of death, if committed in the  
9           pursuance of job duties, under Section 9-3.5 of the  
10           Criminal Code of 2012;

11           (15) aggravated unlawful restraint, under Section  
12           10-3.1 of the Criminal Code of 2012;

13           (16) forcible detention, under Section 10-4 of the  
14           Criminal Code of 2012;

15           (17) child abduction, under Section 10-5 of the  
16           Criminal Code of 2012;

17           (18) luring of a minor, under Section 10-5.1 of the  
18           Criminal Code of 2012;

19           (19) aiding or abetting child abduction, under Section  
20           10-7 of the Criminal Code of 2012;

21           (20) trafficking in person, involuntary servitude, and  
22           related offenses, under Section 10-9 of the Criminal Code  
23           of 2012;

24           (21) failure to report the death or disappearance of a  
25           child under 13 years of age, if committed in the pursuance  
26           of job duties, under Section 10-10 of the Criminal Code of

1           2012;

2           (22) aggravated criminal sexual abuse, under Section  
3           11-1.60 of the Criminal Code of 2012;

4           (23) indecent solicitation of a child, under Section  
5           11-6 of the Criminal Code of 2012;

6           (24) solicitation to meet a child, under Section  
7           11-6.6 of the Criminal Code of 2012;

8           (25) sexual exploitation of a child, under Section  
9           11-9.1 of the Criminal Code of 2012;

10           (26) permitting sexual abuse of a child, under Section  
11           11-9.1A of the Criminal Code of 2012;

12           (27) failure to report sexual abuse of a child, if  
13           committed in pursuance of job duties, under Section  
14           11-9.1B of the Criminal Code of 2012;

15           (28) custodial sexual misconduct, under Section 11-9.2  
16           of the Criminal Code of 2012;

17           (29) sexual misconduct with a person with a  
18           disability, under Section 11-9.5 of the Criminal Code of  
19           2012;

20           (30) promoting juvenile prostitution, under Section  
21           11-14.4 of the Criminal Code of 2012;

22           (31) patronizing a minor engaged in prostitution,  
23           under Section 11-18.1 of the Criminal Code of 2012;

24           (32) child pornography, under Section 11-20.1 of the  
25           Criminal Code of 2012;

26           (33) distributing harmful material to a minor, under

1 Section 11-21 of the Criminal Code of 2012;

2 (34) non-consensual dissemination of private sexual  
3 images, under Section 11-23.5 of the Criminal Code of  
4 2012;

5 (35) grooming, under Section 11-25 of the Criminal  
6 Code of 2012;

7 (36) traveling to meet a child, under Section 11-26 of  
8 the Criminal Code of 2012;

9 (37) aggravated assault, under Section 12-2 of the  
10 Criminal Code of 2012;

11 (38) aggravated battery, under Section 12-3.05 of the  
12 Criminal Code of 2012;

13 (39) aggravated battery of an unborn child, under  
14 Section 12-3.1 of the Criminal Code of 2012;

15 (40) aggravated domestic battery, under Section 12-3.3  
16 of the Criminal Code of 2012;

17 (41) criminal abuse or neglect of a long term care  
18 facility resident, under paragraph (2) of subsection (a)  
19 of Section 12-4.4a of the Criminal Code of 2012;

20 (42) aggravated intimidation, under Section 12-6.2 of  
21 the Criminal Code of 2012;

22 (43) compelling confession or information by force or  
23 threat, under Section 12-7 of the Criminal Code of 2012;

24 (44) educational intimidation, under Section 12-7.2 of  
25 the Criminal Code of 2012;

26 (45) aggravated stalking, under Section 12-7.4 of the

1 Criminal Code of 2012;

2 (46) tongue splitting, under Section 12-10.2 of the  
3 Criminal Code of 2012;

4 (47) sale of body parts, under Section 12-10 of the  
5 Criminal Code of 2012;

6 (48) dismembering of a human body, under Section  
7 12-20.5 of the Criminal Code of 2012;

8 (49) abuse of a corpse, under Section 12-20.6 of the  
9 Criminal Code of 2012;

10 (50) ritual mutilation, under Section 12-32 of the  
11 Criminal Code of 2012;

12 (51) ritualized abuse of child, under Section 12-33 of  
13 the Criminal Code of 2012;

14 (52) female genital mutilation, under Section 12-34 of  
15 the Criminal Code of 2012;

16 (53) inducement to commit suicide, under Section  
17 12-34.5 of the Criminal Code of 2012;

18 (54) organized retail crime; under paragraphs (1) and  
19 (2) of subsection (a) of Section 16-25.2 of the Criminal  
20 Code of 2012;

21 (55) financial exploitation of an elderly person or a  
22 person with a disability by intimidation, under Section  
23 16-1.3 of the Criminal Code of 2012;

24 (56) aggravated robbery, under subsection (b) of  
25 Section 18-1 of the Criminal Code of 2012;

26 (57) armed robbery, under Section 18-2 of the Criminal

1 Code of 2012;

2 (58) aggravated vehicular hijacking, under Section  
3 18-4 of the Criminal Code of 2012;

4 (59) vehicular invasion, under Section 18-6 of the  
5 Criminal Code of 2012;

6 (60) burglary, under Section 19-1 of the Criminal Code  
7 of 2012;

8 (61) aggravated arson, under Section 20-1.1 of the  
9 Criminal Code of 2012;

10 (62) aggravated unlawful use of a weapon, under  
11 Section 24-1.6 of the Criminal Code of 2012;

12 (63) unlawful manufacture or delivery of nitrous  
13 oxide, under Section 24.5-10 of the Criminal Code of 2012;

14 (64) mob action, under paragraphs (1) and (3) of  
15 subsection (a) of Section 25-1 of the Criminal Code of  
16 2012;

17 (65) terrorism, under Section 29D-14.9 of the Criminal  
18 Code of 2012;

19 (66) causing a catastrophe, under Section 29D-15.1 of  
20 the Criminal Code of 2012;

21 (67) treason, under Section 30-1 of the Criminal Code  
22 of 2012;

23 (68) perjury, under Section 32-2 of the Criminal Code  
24 of 2012;

25 (69) subordination of perjury, under Section 32-3 of  
26 the Criminal Code of 2012;



1           (70) armed violence, under Section 33A-2 of the  
2           Criminal Code of 2012;

3           (71) solicitation of any of the offenses specified in  
4           this subsection, under subsection (a) of Section 801 of  
5           the Criminal Code of 2012;

6           (72) conspiracy to commit any of the offenses  
7           specified in this subsection, under Section 802 of the  
8           Criminal Code of 2012;

9           (73) attempt to commit any of the offenses specified  
10           in this subsection, under Section 8-4 of the Criminal Code  
11           of 2012; or

12           (74) any felony not listed for which an offense  
13           specified in this subsection is a lesser included offense.

14           This subsection applies after the effective date of this  
15           amendatory Act of the 103rd General Assembly to all initial  
16           applications for licensure, certification, or registration  
17           with the Department of Financial and Professional Regulation  
18           under the Acts specified in subsection (b) of Section 10. For  
19           every licensure, certification, or registration renewal under  
20           the Acts specified in subsection (b) of Section 10, the  
21           Department of Financial and Professional Regulation shall  
22           conduct a review of the applicant's criminal background to  
23           determine whether the applicant committed an offense specified  
24           in this subsection after the effective date of this amendatory  
25           Act of the 103rd General Assembly.

26           (b) A health care employer shall not hire, employ, or

1 retain, whether paid or on a volunteer basis, any individual  
2 in a position with duties involving direct care of clients,  
3 patients, or residents, and no long-term care facility shall  
4 knowingly hire, employ, or retain, whether paid or on a  
5 volunteer basis, any individual in a position with duties that  
6 involve or may involve contact with residents or access to the  
7 living quarters or the financial, medical, or personal records  
8 of residents, if the health care employer becomes aware that  
9 the individual has been convicted in another state of  
10 committing or attempting to commit an offense that has the  
11 same or similar elements as an offense listed in subsection  
12 (a), ~~or (a-1),~~ or (a-5), as verified by court records, records  
13 from a state agency, or an FBI criminal history record check,  
14 unless the applicant or employee obtains a waiver pursuant to  
15 Section 40 of this Act. This shall not be construed to mean  
16 that a health care employer has an obligation to conduct a  
17 criminal history records check in other states in which an  
18 employee has resided.

19 (c) A health care employer shall not hire, employ, or  
20 retain, whether paid or on a volunteer basis, any individual  
21 in a position with duties involving direct care of clients,  
22 patients, or residents, who has a finding by the Department of  
23 abuse, neglect, misappropriation of property, or theft denoted  
24 on the Health Care Worker Registry.

25 (d) A health care employer shall not hire, employ, or  
26 retain, whether paid or on a volunteer basis, any individual

1 in a position with duties involving direct care of clients,  
2 patients, or residents if the individual has a verified and  
3 substantiated finding of abuse, neglect, or financial  
4 exploitation, as identified within the Adult Protective  
5 Service Registry established under Section 7.5 of the Adult  
6 Protective Services Act.

7 (e) A health care employer shall not hire, employ, or  
8 retain, whether paid or on a volunteer basis, any individual  
9 in a position with duties involving direct care of clients,  
10 patients, or residents who has a finding by the Department of  
11 Human Services of physical or sexual abuse, financial  
12 exploitation, or egregious neglect of an individual denoted on  
13 the Health Care Worker Registry.

14 (Source: P.A. 99-872, eff. 1-1-17; 100-432, eff. 8-25-17.)

15 Section 99. Effective date. This Act takes effect 6 months  
16 after becoming law.