



Sen. Laura M. Murphy

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10300SB3661sam001

LRB103 38680 RTM 70823 a

1 AMENDMENT TO SENATE BILL 3661

2 AMENDMENT NO. _____. Amend Senate Bill 3661 by replacing
3 everything after the enacting clause with the following:

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

1 enumerated in Section 25.

2 "Department" means the Department of Public Health.

3 "Direct care" means the provision of nursing care or
4 assistance with feeding, dressing, movement, bathing,
5 toileting, or other personal needs, including home services as
6 defined in the Home Health, Home Services, and Home Nursing
7 Agency Licensing Act.

8 The entity responsible for inspecting and licensing,
9 certifying, or registering the health care employer may, by
10 administrative rule, prescribe guidelines for interpreting
11 this definition with regard to the health care employers that
12 it licenses.

13 "Director" means the Director of Public Health.

14 "Disqualifying offenses" means those offenses set forth in
15 Section 25 of this Act.

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

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

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

25 "Health care employer" means:

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

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

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

5 (iii) a long-term care facility;

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

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

12 (vi) a hospital, as defined in the Hospital
13 Licensing Act;

14 (vii) (blank);

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

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

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

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

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

25 (xii) the University of Illinois Hospital,
26 Chicago;

1 (xiii) programs funded by the Department on Aging
2 through the Community Care Program;

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

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

9 (xvi) locations licensed under the Alternative
10 Health Care Delivery Act;

11 (2) a day training program certified by the Department
12 of Human Services;

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

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

21 (5) the Department of Corrections or a third-party
22 vendor employing certified nursing assistants working with
23 the Department of Corrections; ~~or~~

24 (6) a financial management services entity contracted
25 with the Department of Human Services, Division of
26 Developmental Disabilities, which is not the employer of

1 personal support workers but supports individuals
2 receiving participant directed services, to administer the
3 individuals' employer authority. A financial management
4 services entity assists participants in completing
5 background check requirements, collecting and processing
6 time sheets for support workers, and processing payroll,
7 withholding, filing, and payment of applicable federal,
8 State, and local employment-related taxes and insurance;
9 or

10 (7) a Comprehensive Community Mental Health Center
11 certified by the Department of Human Services.

12 "Initiate" means obtaining from a student, applicant, or
13 employee his or her social security number, demographics, a
14 disclosure statement, and an authorization for the Department
15 of Public Health or its designee to request a
16 fingerprint-based criminal history records check; transmitting
17 this information electronically to the Department of Public
18 Health; conducting Internet searches on certain web sites,
19 including without limitation the Illinois Sex Offender
20 Registry, the Department of Corrections' Sex Offender Search
21 Engine, the Department of Corrections' Inmate Search Engine,
22 the Department of Corrections Wanted Fugitives Search Engine,
23 the National Sex Offender Public Registry, and the List of
24 Excluded Individuals and Entities database on the website of
25 the Health and Human Services Office of Inspector General to
26 determine if the applicant has been adjudicated a sex

1 offender, has been a prison inmate, or has committed Medicare
2 or Medicaid fraud, or conducting similar searches as defined
3 by rule; and having the student, applicant, or employee's
4 fingerprints collected and transmitted electronically to the
5 Illinois State Police.

6 "Livescan vendor" means an entity whose equipment has been
7 certified by the Illinois State Police to collect an
8 individual's demographics and inkless fingerprints and, in a
9 manner prescribed by the Illinois State Police and the
10 Department of Public Health, electronically transmit the
11 fingerprints and required data to the Illinois State Police
12 and a daily file of required data to the Department of Public
13 Health. The Department of Public Health shall negotiate a
14 contract with one or more vendors that effectively demonstrate
15 that the vendor has 2 or more years of experience transmitting
16 fingerprints electronically to the Illinois State Police and
17 that the vendor can successfully transmit the required data in
18 a manner prescribed by the Department of Public Health. Vendor
19 authorization may be further defined by administrative rule.

20 "Long-term care facility" means a facility licensed by the
21 State or certified under federal law as a long-term care
22 facility, including without limitation facilities licensed
23 under the Nursing Home Care Act, the Specialized Mental Health
24 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
25 the MC/DD Act, a supportive living facility, an assisted
26 living establishment, or a shared housing establishment or

1 registered as a board and care home.

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

5 (Source: P.A. 102-226, eff. 7-30-21; 102-503, eff. 8-20-21;
6 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-303, eff.
7 1-1-24.)".