**Section 955.110 Definitions**

The following terms have the meaning ascribed to them whenever the term is used in this Part:

"Act" – the Health Care Worker Background Check Act [225 ILCS 46].

*"Applicant" – an individual enrolling in a training program or seeking employment with a health care employer, whether paid or on a volunteer basis, who has received a bona fide conditional offer of employment* from a health care employer*.* (Section 15 of the Act)

*"Conditional offer of employment" – a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of Public Health indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25* of the Act and Section 955.160 of this Part. (Section 15 of the Act)

"Contracted or Subcontracted Worker" – an individual who provides direct care for clients, patients, or residents or who works for a long-term care facility in a position that involves or may involve contact with residents or access to the living quarters or financial, medical, or personal records of long-term care residents under an arrangement other than as an employee.

"Demographic data" − information collected by a livescan vendor concerning an applicant, including, but not limited to, name, address, date of birth, race, height, and eye color.

*"Department" – the Department of Public Health*. (Section 15 of the Act)

"Designee" − a person or committee designated in writing by the Director.

*"Direct care" – the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs, including home services as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act.* (Section 15 of the Act)

*"Director" – the Director of Public Health*. (Section 15 of the Act)

*"Disqualifying offenses"* – *those offenses set forth* *in Section 25 of the Act* and Section 955.160 of this Part. (Section 15 of the Act)

"Educational entity" – a community college, community agency, or private business that conducts educational programs in which individuals learn the skills to provide direct care services to clients, residents, or patients.

*"Employee" – any individual hired, employed, or retained*, *whether paid or on a volunteer basis, to which the Act* and this Part apply as set forth in Section 10 of the Act and Section 955.100 of this Part. (Section 15 of the Act)

"Fee applicant inquiry" – a fingerprint-based criminal history records check requested by an agency of the State of Illinois (in this Part, the Department of Public Health) through the Illinois State Police. The Illinois State Police stores the fingerprints and provides notification back to the requesting State agency if there is a new conviction associated with the fingerprints.

*"Finding" – the Department's determination of whether an allegation is verified and substantiated.* (Section 15 of the Act)

*"Fingerprint-based criminal history records check" – a livescan fingerprint-based criminal history records check submitted as a fee applicant inquiry in the form and manner prescribed by the Illinois State Police*. (Section 15 of the Act)

*"Health care employer":*

*the owner or licensee of any of the following:*

*a community living facility, as defined in the Community Living Facilities Licensing Act*;

*a life care facility, as defined in the Life Care Facilities Act*;

*a long-term care facility*;

*a home health agency, home services agency, or home nursing agency, as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act*;

*a hospice care program or volunteer hospice program, as defined in the Hospice Program Licensing Act*;

*a hospital, as defined in the Hospital Licensing Act*;

*a nurse agency, as defined in the Nurse Agency Licensing Act;*

*a respite care provider, as defined in the Respite Program Act;*

*an establishment licensed under the Assisted Living and Shared Housing Act*;

*a supportive living program, as defined in the Illinois Public Aid Code;*

*early childhood intervention programs as described in* 89 Ill. Adm. Code 500*;*

*the University of Illinois Hospital, Chicago;*

*programs funded by the Department on Aging through the Community Care Program;*

*programs certified to participate in the Supportive Living Program authorized by Section 5-5.01a of the Illinois Public Aid Code;*

*programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers*; or

*locations licensed under the Alternative Health Care Delivery Act;*

*a day training program certified by the Department of Human Services;*

*a community integrated living arrangement operated by a community mental health and developmental service agency, as defined in the Community-Integrated Living Arrangements Licensing and Certification Act;*

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

*the Department of Corrections or a third-party vendor employing certified nursing assistants working with the Department of Corrections; or*

*a financial management services entity contracted with the Department of Human Services, Division of Developmental Disabilities, which is not the employer of personal support workers but supports individuals receiving participant directed services, to administer the individuals' employer authority. A financial management services entity assists participants in completing background check requirements, collecting and processing time sheets for support workers, and processing payroll withholding, filing, and payment for applicable federal, State, and local employment-related taxes and insurance.*  (Section 15 of the Act)

"Health Care Facility" – a facility owned or operated by a health care employer of the type to which the Act and this Part apply.

"Health Care Worker Registry" – a registry maintained by the Department of Public Health or its designee that includes a registry for certified nursing assistants pursuant to Section 3-206.01 of the Nursing Home Care Act, Section 3-206.01 of the MC/DD Act, Section 3-206.01 of the ID/DD Community Care Act, and Section 4-104(19) of the Specialized Mental Health Rehabilitation Act of 2013, and that includes background check and training information for health care employees and students to whom the Act and this Part apply.

*"Initiate" – obtaining from a student, applicant, or employee his or her social security number, demographics, a disclosure statement, and an authorization for* a health care employer, an educational entity, or *the Department or its designee to request a fingerprint-based criminal history records check; transmitting this information electronically to the Department* or its designee*; conducting Internet searches on certain web sites* from links provided through the Health Care Worker Registry, *and having the student's, applicant's, or employee's fingerprints collected* directly by a livescan vendor *and transmitted electronically to the Illinois State Police.* (Section 15 of the Act)

"Livescan technician" − an individual who is trained to collect fingerprints on livescan equipment and who meets any licensing requirements of the State or federal government.

*"Livescan vendor" –* *an entity whose equipment has been certified by the Illinois State Police to collect an individual's demographics and inkless fingerprints and, in a manner prescribed by the Illinois State Police and the Department of Public Health, electronically transmit the fingerprints and required data to the Illinois State Police and a daily file of required data to the Department of Public Health* and who has received authorization from the Department under a livescan vendor authorization contract to conduct fingerprinting pursuant to the Act and this Part*.* (Section 15 of the Act)

"Livescan vendor authorization contract" – a standardized *contract* *between the Department* and *a* fingerprinting *vendor* *who* *has* *two* *or more years of experience transmitting fingerprints electronically to the Illinois State Police* by which the Department provides *authorization* to the vendor to conduct fingerprinting pursuant to the Act and this Part under the terms and conditions *defined* in Section 955.285. (Section 15 of the Act)

*"Long-term care facility" –* *a facility licensed by the State or certified under federal law as a long-term care facility, including without limitation facilities licensed under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act, a supportive living facility, an assisted living establishment, or a shared housing establishment or registered as a board and care home*. (Section 15 of the Act)

*"Organization providing pro bono legal services" – an organization that functions to provide legal services performed without compensation or at a significantly reduced cost to the recipient and that provides services designed to help individuals overcome statutory barriers that would prevent them from entering positions in the healthcare industry.* (Section 33(n) of the Act)

"Parole; Mandatory Supervised Release" – except when a term of natural life is imposed, every sentence includes a term in addition to the term of imprisonment. For those sentenced under the law in effect before February 1, 1978, that term is a parole term. For those sentenced on or after February 1, 1978, that term is a mandatory supervised release term.

"Rehabilitation waiver" – a waiver that the Department grants based solely upon the results of a fingerprint-based criminal history records check without a waiver application being submitted to the Department.

*"Resident" – a person, individual,* client, consumer, *or patient under the direct care of a health care employer or who has been provided goods or services by a health care employer.* (Section 15 of the Act)

"Staffing agency" – any individual or business entity *whose profession is job counseling* (Section 60 of the Act), or that contracts or subcontracts its workers or services to a health care employer.

"UCIA criminal history records check" – a check of criminal history information conducted by the Illinois State Police in accordance with the Illinois Uniform Conviction Information Act (UCIA).

"Web application" – a computer program on the Department's intranet that is titled "HCW Background Check Registry" and is accessed by signing in through the Department's secure web portal. This program is used to initiate fingerprint-based criminal history records checks pursuant to the Act and this Part.

*"Workforce intermediary" – an organization that functions to provide job training and employment services. Workforce intermediaries include institutions of higher education, faith-based and community organizations, and workforce investment boards.* (Section 33(n) of the Act)

(Source: Amended at 48 Ill. Reg. 3367, effective February 20, 2024)