**Section 686.1730 Non-waivable Convictions**

a) If the screening under Subsection 686.1710(a) indicates a potential felony criminal conviction for any of the crimes listed in this Section, the State shall notify the Individual Provider and Customer of the background screening result and give the Individual Provider the opportunity to dispute the screening results and submit additional information as stated in Section 686.1740.

1) Conviction of theft or fraud from a government-funded program.

2) Having been excluded from participation in Medicaid (federal or State) or Medicare programs, or from a similar program in another state, as reflected in sanction/exclusion databases.

3) A substantiated verified record of abuse, neglect, or exploitation of an adult as determined by the Department on Aging pursuant to the Adult Protective Services (APS) Act [320 ILCS 20], resulting in placement on the APS registry and a waiver of such placement has not been granted.

4) All forms of intentional homicide, including but not limited to, solicitation of murder, solicitation of murder for hire, first degree murder, second degree murder.

5) All sexual crimes, including but not limited to, criminal sexual assault, criminal sexual abuse, sexual exploitation of a child, and sexual misconduct with a person with a disability.

6) Aggravated crimes involving bodily harm, including but not limited to, aggravated battery, aggravated battery of a senior citizen, aggravated battery of a child, aggravated domestic battery, provided that less than 10 years have passed since the date of the conviction or end of incarceration, whichever is later.

7) Conviction of abuse, neglect, or exploitation of a child.

b) If the screening under Section 686.1710(a) indicates a potential felony criminal conviction for any of the crimes listed in this section and are verified through the processes stated in Section 686.1740(a), any defunding, termination, or denial of enrollment of an Individual Provider by the State will not be subject to the Customer waiver process described in Section 686.1720(b), but may be appealed through the Illinois Department of Healthcare and Family Services Administrative Hearing process as outlined in 89 Ill. Adm. Code 104, if applicable.

(Source: Added at 46 Ill. Reg. 20865, effective December 19, 2022)