

1 AN ACT concerning health care workers.

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  
5 is amended by changing Section 25 as follows:

6 (225 ILCS 46/25)

7 Sec. 25. Persons ineligible to be hired by health care  
8 employers.

9 (a) After January 1, 1996, or January 1, 1997, as  
10 applicable, no health care employer shall knowingly hire,  
11 employ, or retain any individual in a position with duties  
12 involving direct care for clients, patients, or residents,  
13 who has been convicted of committing or attempting to commit  
14 one or more of the offenses defined in Sections 8-1.1, 8-1.2,  
15 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3, 10-1, 10-2,  
16 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-6, 11-9.1, 11-19.2,  
17 11-20.1, 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1,  
18 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4,  
19 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21,  
20 12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2,  
21 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1,  
22 24-1.2, 24-1.5, or 33A-2 of the Criminal Code of 1961; those  
23 provided in Section 4 of the Wrongs to Children Act; those  
24 provided in Section 53 of the Criminal Jurisprudence Act;  
25 those defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis  
26 Control Act; or those defined in Sections 401, 401.1, 404,  
27 405, 405.1, 407, or 407.1 of the Illinois Controlled  
28 Substances Act, unless the applicant or employee obtains a  
29 waiver pursuant to Section 40.

30 (a-1) After January 1, 2003, no health care employer  
31 shall knowingly hire any individual in a position with duties

1 involving direct care for clients, patients, or residents who  
2 has been convicted of committing or attempting to commit one  
3 or more of the offenses defined in Section 4-103, 4-103.1,  
4 4-103.2, or 4-103.3 of the Illinois Vehicle Code; Section  
5 12-4.2-5, 12-6, 12-6.2, 12-7.5, 16G-15, 16G-20, 20-1.2,  
6 24-1.2-5, 24-1.6, 24-3.1, 24-3.2, or 24-3.3 of the Criminal  
7 Code of 1961; Section 3, 4, 6, 7, 8, 12, 13, 14, 17, or 17.02  
8 of the Illinois Credit Card and Debit Card Act; or subsection  
9 (b) of Section 20-75 of the Nursing and Advanced Practice  
10 Nursing Act, unless the applicant obtains a waiver pursuant  
11 to Section 40.

12 A UCIA criminal history record check need not be redone  
13 for health care employees who have been continuously employed  
14 by a health care employer since January 1, 2003, but nothing  
15 in this Section prohibits a health care employer from  
16 initiating a criminal history check for these employees.

17 Nothing requires a health care employer to retain an  
18 individual in a position with duties involving direct care  
19 for clients, patients, or residents who has been convicted of  
20 committing or attempting to commit one or more of the  
21 offenses enumerated in this subsection.

22 (b) A health care employer shall not hire, employ, or  
23 retain any individual in a position with duties involving  
24 direct care of clients, patients, or residents if the health  
25 care employer becomes aware that the individual has been  
26 convicted in another state of committing or attempting to  
27 commit an offense that has the same or similar elements as an  
28 offense listed in subsection (a) or (a-1), as verified by  
29 court records, records from a state agency, or an FBI  
30 criminal history record check. This shall not be construed to  
31 mean that a health care employer has an obligation to conduct  
32 a criminal history records check in other states in which an  
33 employee has resided.

34 (Source: P.A. 90-441, eff. 1-1-98; 91-598, eff. 1-1-00.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.