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**Illinois Health Care Worker Background Check Code**

The Department of Public Health adopted amendments to the Health Care Worker Background Check Code. This rule requires electronic fingerprint-based criminal history records checks for healthcare workers employed after October 1, 2007. This rule applies to all unlicensed individuals employed or retained by a health care employer as home health care aides, nurse aides, personal care assistants, private duty nurse aides, training personnel, or an individual working in any similar health-related occupation where direct care is provided including unlicensed individuals who have access to long-term care residents or their living quarters or financial, medical, or personal records of long-term care residents. This rule also applies to all unlicensed employees of licensed or certified long-term care facilities who have or may have contact with residents or access to the living quarters or the financial, medical, or personal records of residents.

Fingerprint-based criminal history records checks are not required for health care employees who have been continuously employed by a health care employer prior to the implementation of the fingerprint-based criminal records check as long as certain requirements are met. However, a health care employer may initiate a new criminal history records check for these employees.

Fingerprint-based criminal history records checks will be conducted through the Department's internet web application for the Health Care Worker Registry. Educational entities and health care employers shall continue to conduct background checks using the non-fingerprint-based UCIA criminal history records check until the educational entity or health care provider is brought into the Department's fingerprint process.

In addition, the rule requires a health care employer to establish a policy defining which employees provide direct care.

This rule also details annual reporting requirements as well as reporting requirements regarding hiring of an employee and/or the termination of an employee.

The rule sets forth various lists of disqualifying offenses, some of which may be eligible for a waiver.

For more information please contact Popovits & Robinson at 708/479-3230.

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