



This Week

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New IDPH Employee Fingerprint Program To Be Phased In

After months of delay finalizing the details of livescan vendor requirements, the **Illinois Department of Public Health (IDPH)** adopted sweeping amendments to the **employee Health Care Worker Background Check Rules**.

The new adopted regulations will **phase-in the fingerprinting of all new unlicensed employees**. A key provision is that once a new employee or new CNA student has been fingerprinted and entered on the Health Care Worker Registry, **fingerprinting will not have to be done again**, even if that employee goes to another nursing home. The Department is expected to begin **phasing-in the fingerprint check program for new, unlicensed employees sometime this summer**, most likely starting with the ten northern counties that had participated in the federal fingerprint pilot project two years ago. Training by IDPH will be done with the facilities in each area prior to the fingerprint program being implemented.

The regulations change a number of the UCIA background check procedures currently in place:

- ❖ All **NEW unlicensed** employees hired after the effective starting date for your region **will be required to have a fingerprint check** from a livescan vendor, replacing the current UCIA name-based check.
- ❖ If an employer offers an individual a conditional offer of employment, the **employer shall submit the employee's name, social security number and other information on the IDPH Health Care Worker Registry Web site portal within two working days**. The facility can then print out a livescan request form, which will also provide a list of approved livescan vendors. **The employee must then have his or her fingerprints submitted electronically by the livescan vendor to the State Police within ten working days after that**. If the fingerprints are not submitted within ten days, the employee cannot continue working. Information on how to register for entering employee information on the IDPH Web site portal will be provided during the IDPH training in each region prior to implementation of the program.
- ❖ **The State Police will then forward the results of the fingerprint background check to IDPH, which will then inform the facility electronically**. This will be different than the current UCIA name-based procedure where the facility gets the results from the State Police and informs IDPH.
- ❖ Once an employee has had a fingerprint check and it is recorded on the Health Care Worker Registry, **it will never have to be done again**, even if the employee changes jobs. The fingerprint check is continually and automatically updated. Any new disqualifying convictions since the fingerprint check was first done will appear on the Registry and the last known employer listed on the Registry will be notified, as long as the employee is active on the Registry.
- ❖ **Only new unlicensed employees (CNAs and others) will need a fingerprint check**, not licensed employees (nurses, therapists, administrators, physicians) or students in these professions or outside contractors providing "infrequent and occasional" support services, such as deliveries, equipment maintenance or construction, "not directly related to the care of the resident."

- ❖ CNA training programs will be required to do a fingerprint check on all trainees prior to the start of the training program. **All newly graduated CNAs, after the start of the fingerprint program, will have already been fingerprinted by the time they graduate from the certification program.**
- ❖ **Existing employees will not have to be fingerprinted**, unless they change employers.
- ❖ The fingerprint check will be based on the Illinois State Police database only; it will not include an FBI check. In the federal ten-county pilot two years ago, sponsored by a federal grant, an FBI check had been included.
- ❖ The average fee for a livescan vendor ranges from \$35 to \$60 (out of which the livescan vendor pays \$15 to the State Police), although the livescan vendor fee may be further negotiated depending on volume and location.
- ❖ There will be **three categories** of disqualifying offenses:
 - **No Waiver:** crimes like murder, battery and sexual assault that will **never be waived**;
 - **“Automatic” Rehabilitation Waiver:** non-violent offenses over five to nine years ago (depending on severity and frequency of the offenses) will be automatically waived. Employees receiving an automatic “Rehabilitation Waiver” will not have to request a waiver and can continue working. Employers will be notified of the rehabilitation waiver by IDPH at the same time they are notified of the results of the fingerprint check; and
 - **Requested Waiver:** more serious non-violent offenses over one to ten years ago (depending on the severity and frequency) for which a waiver request will need to be submitted to IDPH. During the time a waiver request is being made, the employee cannot work in a long term care facility. The law requires IDPH to make a waiver request decision within thirty days after a completed waiver request is submitted.
- ❖ In addition to the fingerprint check, *“the facility shall retain a screen print of the background check initiation page, which documents that the employer did conduct an internet search of the web sites from the links provided through the Health Care Worker Registry and found no results from those web sites that would prevent the employee from being hired. No additional screen prints from those web sites shall be required in the employee’s file.”*
- ❖ Under federal law, CNAs who have not worked in a nursing-related job in the previous 24 months cannot work as a CNA unless they take the CNA training and competency program again. If the CNA can prove healthcare employment in the previous 24 months to the employing facility, he or she may be hired as a CNA, with the updated employment information entered by the facility into the Health Care Worker Registry.
- ❖ Once the new program starts, each facility must provide employment verification to the Health Care Worker Registry for each employee no less than annually. A facility must indicate employment and termination dates within thirty days after hiring or terminating an employee, as well as the employment category and type. If no employer verifies an individual’s employment on the Registry for two years, the individual is automatically listed as “inactive” on the Registry. The status of someone on the Registry currently listed as “inactive” can be changed by entering current employment information if the facility is currently registered on the Registry Web site portal.
- ❖ This fingerprint program through the Healthcare Worker Registry can **only** be used for employees. Resident background checks continue to be done through the UCIA background check system.

This new employee fingerprint program is not yet in effect and will gradually be phased in statewide over the next year. You will be informed by IDPH and your associations regarding the timetable for replacing your UCIA name-based background check with the livescan vendor fingerprint program in your area. As with the federal pilot project, it can be expected that IDPH will be conducting training sessions in your area just prior to implementing the program. **Until such time, facilities should continue to do UCIA background checks as required under current law and regulations.**

Upcoming newsletters will review these new regulations and their operational implications in more detail, as well as identify more specifically the offenses contained in the three waiver categories.

Celebrating Heroes in Long Term Care

During May, the **Illinois Health Care Association and the Illinois Council on Long Term Care** will be recognizing the “heroes” of our facilities – staff and residents who have made exceptional contributions to their facilities’ quality of life.

We ask our member homes to each nominate ONE hero using the [enclosed form](#) and fax it to the **Council office at 773/478-0843 by Wednesday, April 22**. We will then send your facility a framed certificate of recognition to give to your resident or staff hero; describe this individual in our statewide newsletter; and, with this person’s consent, contact your local newspapers about this person being recognized as a “hero” by the Illinois Health Care Association and the Illinois Council on Long Term Care.

Last year’s heroes program positively highlighted more than fifty staff and facilities in local newspapers. Our staff are our greatest resource. We should be proud of - and the world should know about - the committed, dedicated and caring people who work in our facilities. **For more information, please contact Kevin Kavanaugh at 773/478-6613.**

April Events: Information Technology and Nursing Conference

The **Illinois Health Care Association** is sponsoring two specialized programs in April, both at the Northfield Inn in Springfield:

April 7th: [Technology Symposium](#) offering workshops of effective purchasing, utilization, and protection of health care hardware and software, as well as featuring a trade show of the latest techniques, products and services.

April 29th and 30th: The [Resources for Success Conference and Trade Show for Nurse Leaders](#), with five educational workshops, nursing-oriented products trade show.

Brochures for both conferences are attached to this newsletter.