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| IDENTIFIED OFFENDERS | | | | NO. | |
| 1. The facility shall review the results of the criminal history background checks upon receipt of those checks. If the results of the background check are inconclusive, the facility shall initiate a fingerprint-based check unless fingerprint-based check is waived by the Director of Public Health based on verification by the facility that the resident is completely immobile or that the resident meets other criteria related to the resident’s health or lack of potential risk, such as the existence of a severe, debilitating physical, medical, or mental condition that nullifies potential risk presented by the resident. (Section 2-201.5(b) of the Act) The facility shall arrange for a fingerprint-based background check or request a waiver from the department within 5 days after receiving inconclusive results of a name-based background check. The fingerprint-based background check shall be conducted within 25 days after receiving the inconclusive results of the name-based check. 2. A waiver issued pursuant to Section 2-201.5(b) of the Act shall be valid while the resident is immobile or while the criteria supporting the waiver exist. 3. The facility shall provide for or arrange for required fingerprint-based checks to be taken on the premises of the facility. 4. If a fingerprint-based check is required, the facility shall arrange for it to be conducted in a manner that is respectful of the resident’s dignity and that minimizes any emotional or physical hardship to the resident. (Section 2-201.5(b) of the Act) If a facility is unable to conduct a fingerprint-based background check in compliance with this Section, then it shall provide conclusive evidence of the resident’s immobility or risk nullification of the waiver issued pursuant to Section 2-201.5(b) of the Act. 5. The facility shall be responsible for taking steps necessary to ensure the safety of residents while the results of a name-based background check or a fingerprint-based check are pending; while the results of a request for a waiver of a fingerprint-based check are pending; and/or while the Criminal History Analysis Report is pending. 6. If the results of a resident’s criminal history background check reveal that the resident is an identified offender as defined in Section 1-114.01 of the Act, the facility shall fax the resident’s name and criminal history information to the Department. (Section 2-201.5(b) of the Act) | | | | | |
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| IDENTIFIED OFFENDERS | | | | NO. | |
| 1. If identified offenders are residents of a facility, the facility shall comply with the following requirements:      * + - * 1. The facility shall inform the appropriate county and local law enforcement offices of the identity of identified offenders who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense who are residents of the facility. If a resident of a licensed facility is an identified offender, federal, state, or local law enforcement officers or county probation officers shall be permitted reasonable access to the individual resident to verify compliance with the requirements of the Sex Offender Registration Act, to verify compliance with the applicable terms of probation, parole, or mandatory supervised release. (Section 2-110(a-5) of the Act) Reasonable access under this provision shall not interfere with the identified offender’s medical or psychiatric care.         2. The facility staff work with local law enforcement officials to develop, if needed, further policies and procedures to address specific concerns regarding residents who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense.         3. This facility shall provide to prospective and current residents and resident guardians, and to facility employees, a written notice, prescribed by the Department, advising the resident, guardian, or employee of their right to ask whether residents of the facility are identified offenders. The facility shall confirm whether identified offenders are residing in the facility.       1. The notice shall also be prominently posted.       2. The notice shall include a statement that information regarding registered sex offenders may be obtained from the Illinois State Police website, [www.isp.state.il.us](http://www.isp.state.il.us), and that information regarding persons serving terms of parole or mandatory supervised release may be obtained from the Illinois Department of Corrections website, [www.idoc.state.il.us](http://www.idoc.state.il.us). (Section 2-216 of the Act)          1. If the identified offender is on probation, parole, or mandatory supervised release, the facility shall contact the resident’s probation or parole officer, acknowledge the terms of release, update contact information with the probation or parole office, and maintain updated contact information in the resident’s record. The record must include the resident’s criminal history record. | | | | | |
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| IDENTIFIED OFFENDERS | | | | NO. | |
| 1. This facility shall maintain written documentation of compliance. 2. This facility must annually complete the steps required in subsection (g) of this Section for identified offenders. This requirement does not apply to residents who have not been discharged from the facility during the previous 12 months. 3. For current residents who are identified offenders, this facility shall review the security measures listed in the Criminal History Analysis Report provided by the Department. 4. Upon admission of an identified offender to a facility or decision to retain an identified offender in a facility, in consultation with the medical director and law enforcement, shall specifically address the resident’s needs in an individualized care plan. 5. The facility shall incorporate the Criminal History Analysis Report into the identified offender’s care plan. 6. If the identified offender is a convicted or registered sex offender or if the Criminal History Analysis conducted pursuant to Section 2-201.6 of the Act reveals that the identified offender poses a significant risk of harm to others within the facility, the offender shall be required to have their own room within the facility subject to the rights of married residents. 7. The facility’s reliance on the Criminal History Analysis Report prepared pursuant to Section 2-201.6(d) of the Act shall not relieve or indemnify this facility’s ability or responsibility with regard to the identified offender or other facility residents. 8. The facility shall evaluate care plans at least quarterly for identified offenders for appropriateness and effectiveness of the portions specific to the identified offense and must document such review. The facility shall modify the care plan if necessary in response to this evaluation. The facility remains responsible for continuously evaluating the identified offender and for making changes in the care plan that are necessary to ensure the safety of residents. 9. Incident reports shall be submitted to the Division of Long-Term Care Field Operations in the Department’s Office of Health Care Regulation in compliance with Section 300.690 of this Part. The facility shall review its placement determination of identified offenders based on incident reports involving the identified offender. In incident reports involving identified offenders, the facility must identify whether the incident involves substance abuse, aggressive behavior, or inappropriate sexual behavior, as well as other behaviors or activities that would be reasonably likely to cause harm to the identified offender or others. If the facility cannot protect the other residents from misconduct by the identified offender, then the facility shall transfer or discharge the identified offender in accordance with Section 300.3300 of this Part. | | | | | |
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| IDENTIFIED OFFENDERS | | | | NO. | |
| 1. The facility shall notify the appropriate local law enforcement agency, the Illinois Prisoner Review Board, or the Department of Corrections of the incident and whether it involved substance abuse, aggressive behavior, or inappropriate sexual behavior that would necessitate relocation of that resident. 2. The facility shall develop procedures for implementing changes in resident care and facility policies when the resident no longer meets the definition of identified offender. | | | | | |
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