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| RESIDENT BACKGROUND / CRIMINAL HISTORY CHECKS | | | | NO. | |
| Facility is required to search residents’ names on the sex offender registration website and to conduct a criminal history background check according to the Uniform Criminal Information Act (UCIA) for residents. Admission is conditional pending the outcome of this check.  The sex offender check and the background check process occurs in the following manner:  The facility checked current residents against both the Illinois State Police (www.isp.state.il.us) and Department of Corrections (www.idoc.state.il.us) web sites by May 31, 2006.  If a resident appears on either web site, or has a felony conviction, IDPH is informed via fax within 48 hours. Record of this fax confirmation will be kept by the facility.  For new admissions (admissions after the effective date of the rules), the facility must be able to document that a criminal history check was requested prior to admission.  If it is discovered that a resident is on either of the web sites discussed above, and/or if the criminal background check indicates that a newly admitted resident is an identified sex offender, the facility is expected to:   1. The facility must conspicuously post or display, in an area of its offices accessible to staff, current and prospective residents, family members, and visitors, notification, prescribed by the Department, that an identified offender is residing in the facility. The facility must direct specific inquiries about identified offenders to the Illinois Sex Offender Registration Website at www.isp.state.il.us, the Illinois Department of Corrections sex registrant search page at www.idoc.state.il.us, the Department of State Police, or local law enforcement agencies. 2. The facility shall notify residents or residents’ guardian in writing that such offenders are residents of the facility. (Section 2-216 of the Act); and 3. Follow the other provisions of the emergency rules including care plans that reflect their previous conviction, behaviors that must be addressed and the amount and type of supervision that is required for the resident to ensure the safety of other residents. | | | | | |
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| The facility shall inform the appropriate county and local law enforcement offices of the identity of identified offenders being cared for by the facility. If a resident of a licensed facility is an identified offender, who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense, 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 or to verify compliance with applicable terms of probation, parole, or mandatory supervised release (Section 2-110 of the Act). Reasonable access under this provision shall not interfere with the identified offender’s medical care.  If the individual has a felony conviction and was in the custody of the Department of Corrections, the facility shall request the social evaluation prepared by the DOC.  If the identified offender is on probation or parole status, the facility must 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 also include the resident’s criminal history record. In addition, facilities must inform the Division of Long Term Care Field Operations in the Department’s Office of Health Care Regulation whether the probation officer has complied with Section 12(11) of the Probation and Probation Officers Act [730 ILCS 110].  Facility administration works with local law enforcement officials, if needed, to establish and institute policies and procedures regarding the identified offender’s status in the facility.  Facility maintains written documentation of the verification of the identified offender status of residents.  A risk assessment is conducted of identified offenders and a plan of care is developed considering the following:   1. The care and supervision needs, if any specific to the individual’s criminal offense; 2. The results of the social evaluation conducted by the Illinois Department of Corrections; 3. The amount of supervision required by the individual to ensure the safety of residents, staff and visitors in the facility; 4. The physical and mental abilities of the individual; 5. The current medical assessments of the individual (MDS, Care Plan, Nursing Assessments, etc.); 6. The individual’s needs in relation to their status as an identified offender; 7. Approaches to resident care that are proactive and are appropriate and effective in dealing with behaviors specific to the identified offense; 8. The number and qualifications of staff needed to meet the needs of the individual and the required level of supervision. | | | | | |
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| Our facility makes it clear to new admissions that when the criminal background check is returned, if there are problems, they may not be able to stay in our facility. This gives the potential resident full disclosure on the regulations and the right to choose admission under that condition. If a resident requires more supervision than the facility’s current staffing levels, they will not be allowed to remain at or admitted to the facility.  **Private Room Requirements**  Registered sex offenders and individuals serving a term of parole, mandatory supervised release, or probation for a felony offense shall have their own rooms, under the following conditions:   1. The room must be in direct view of the main nurses’ station, and 2. The resident must not share their room or bathroom with other residents.   If the facility’s risk assessment determines that a person who has been convicted of felony offenses listed in Section 25 of the Health Care Worker Background Check Act need not have their own room, then the facility shall submit in writing to the Department the basis for this determination. The Department shall have an opportunity to issue objections to the facility determination. The facility determination may include the following supporting documentation:   1. The existence of a severe debilitation physical, medical, or mental condition that nullifies potential risk presented by the resident; 2. The length of time since the individual’s release from parole, probation or mandatory supervised release; 3. The age of the individual at the time of the conviction; and 4. Whether the individual has a felony conviction for a crime listed in Section 955.270 (e) of the Health Care Worker Background Check Code. (The twelve most violent crimes, i.e. murder, kidnapping, armed robbery, etc. for which an employee waiver would not be granted.) 5. Whether the individual is dependent on a life support system or equipment. 6. Upon admission of an identified offender to a facility or a decision to retain an identified offender in a facility, the facility, in consultation with the medical director and law enforcement, must specifically address the resident’s needs in an individualized plan of care that reflects the risk assessment of the individual. | | | | | |
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| **Discharge Provisions**  No person shall be admitted to or kept in the facility:   1. Who is at risk because the person is reasonably expected to self-inflict serious physical harm or to inflect serious physical harm to another person in the near future, as determined by professional evaluation; 2. Who is destructive of property, if the destruction jeopardizes the safety of themselves or others; or 3. Who is an identified offender, unless the requirements of Section 300.615(f) and (g) for new admissions and the requirements of Section 300.625 are met.   If the facility needs to discharge an identified offender for reasons related to their offenses, the following reasons for discharge will be considered:   1. The facility’s inability to meet the needs of the resident, based on Section 300.615 (g) and Section 300.625 of the Part; 2. The facility’s inability to provide the security measures necessary to protect facility residents, staff and visitors; or 3. The physical safety of the resident, other residents, the facility staff or facility visitors. | | | | | |
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