



WAIVER APPLICATION FOR HEALTH CARE WORKERS Facts and Instructions

Illinois Department of Public Health

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WHO NEEDS A WAIVER?

The Health Care Worker Background Check Act [225 ILCS 46], an Illinois State law, prevents many health care employers from hiring an individual as a direct care worker or—in long-term care facilities—as a worker who has or may have access to residents, their living quarters, or their financial, medical, or personal records (access worker), if the individual has certain criminal convictions. The Act does, however, allow an employer to hire an individual with a disqualifying conviction as a direct care worker or as an access worker if he or she is granted a Health Care Worker Waiver (waiver) by the Illinois Department of Public Health (IDPH). **If you have any disqualifying convictions, you will need a waiver before you can be hired by a health care employer as a direct care worker or an access worker.**

INFORMATION ABOUT THE WAIVER PROCESS

Before a waiver can be granted, you must be fingerprinted by a Livescan fingerprint vendor authorized by IDPH and undergo a fingerprint-based criminal history records check. No other background check will be accepted for purposes of a waiver. If your background check discloses one or more disqualifying convictions and you meet certain eligibility time requirements, you may submit a Health Care Worker Waiver Application. Please check [our website](#) for a full list of disqualifying offenses and for the waiver application form. Please note, you may have a disqualifying conviction, even if you were not sent to jail. While an individual may be fined, given probation or conditional discharge, or given some sentence other than jail, any sentence will usually be considered a conviction. If you are unsure whether an arrest or charge became a conviction, contact the circuit clerk of the county in which you were arrested.

To be eligible for a waiver, all obligations to the court must be complete, except for scheduled payments of court-imposed fines or restitutions. Your fines must be paid (or you must demonstrate that you are making payments), and you must have successfully completed any required parole, probation, or mandatory supervised release (for all your convictions). In addition, you must have satisfactorily completed a drug and/or alcohol recovery program if you were ordered to as part of the judgment.

Waivers are not granted automatically. The following are all considered in determining whether a waiver is granted: (1) your age at the time of the offense, (2) your work history, (3) your criminal history in Illinois and other states, (4) the amount of time since your last conviction, (5) the severity of your conviction, (6) the circumstances surrounding your conviction, and (7) other evidence that you provide.

If you are granted a waiver, it is in effect unless and until you are convicted of another disqualifying offense; at that time the waiver will be automatically revoked. Health care employers must check the [Health Care Worker Registry](#) to see if you have met any training requirements, have any administrative findings, and have a waiver. No other source of information (e.g., a waiver letter, certificate of achievement, etc.) may be accepted. The information on the Registry is the only means a health care employer may use to verify that you are eligible for employment.

A waiver does not change your criminal record; your convictions will still appear on your background check.

IMPORTANT INSTRUCTIONS FOR COMPLETING WAIVER APPLICATION

If a Health Care Worker Waiver Application is not complete, we have to return it to you and request additional information; this can delay the waiver process. Therefore, please be sure to include complete information; you may use additional sheets as necessary. Include court documents that prove you have paid (or are paying) any fines and that you have completed probation or conditional discharge. You may include character or employment references.

You must provide a COMPLETE explanation for EACH of your disqualifying convictions. Include information about what happened, who was involved, where you were, your age when the offense occurred, why the offense happened, the circumstances surrounding the crime, and any other information that would assist IDPH in understanding the situation.