

Facts About

WAIVER APPLICATION FOR HEALTH CARE OR ACCESS WORKER

Illinois Department of Public Health

Health Care Worker Registry, 525 W. Jefferson St. Fourth Floor, Springfield, IL 62761 Phone 217-785-5133

If an individual has certain criminal convictions the Health Care Worker Background Check Act, an Illinois state law, prevents many health care employers from hiring the individual as a direct care worker and in long-term care facilities from being hired as a worker who has or may have access to residents, their living quarters or their financial, medical or personal records. Some of the health care employers are: community living facilities; life care facilities; long-term care facilities; home health agencies; home health, home services, and home nursing agencies; hospice care programs; hospitals; assisted living and shared housing facilities; and other health care facilities listed in the Health Care Worker Background Check Act.

A waiver does not change your criminal record but it does allow an employer to hire you as a direct care worker or an access worker in long-term care.

Many considerations are taken into account when reviewing a waiver application.

- Except in the instance of scheduled payments of court-imposed fines or restitutions, you must have met all obligations to the court and the terms of your parole (i.e. fines must be paid and parole, probation or mandatory supervised release successfully completed).
- You must have satisfactorily completed a drug and/or alcohol recovery program if you were ordered to as part of the judgment.
- Your age at the time of the offense, your work history, your criminal history in Illinois and other states, the amount of time since your last conviction, the severity of your conviction, and the circumstance surrounding your conviction, as well as other evidence that you provide are all considered in determining whether a waiver is granted.
- You are less likely to have a waiver granted if you have several convictions in recent years or if your offenses were violent crimes. There are three categories of disqualifying offenses: Offenses that are always disqualifying except through the appeal process; offenses that may be considered for a rehabilitation waiver without a waiver application being submitted; and offenses that may be considered for a waiver by submitting a waiver application and additional required information.
- Please check our Web site at <http://www.idph.state.il.us/nar> for a full list of disqualifying offenses and a waiver application.

You may have been convicted and not sent to jail. An individual may be fined, given probation or conditional discharge and it still 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.

If granted a waiver it is in effect until you are convicted of another disqualifying offense, which causes the waiver to be automatically revoked. **Health care employers must check the Health Care Worker Registry (<http://www.idph.state.il.us/nar>) to see if you have met the requirements to be a certified nurse assistant and to determine if you have disqualifying offenses or a waiver. No other source of information (i.e. a waiver letter, certificate of achievement, etc.) may be accepted.**

If you have pending convictions or are about to have a conviction expunged or sealed, please wait until these processes are completed before applying for a waiver.

This is not meant to discourage you. There is a need for responsible, hardworking, and caring certified nurse assistants. However, if you have been convicted of a crime that disqualifies you from working for certain health care employers, you may want to seek a waiver before investing your time and money in training.

Crimes that **disqualify** (that means that you cannot work in a direct care position, like a CNA, with these convictions) you from working as a nurse's aide (**these include both felonies and misdemeanors**):

- ✓ Battery, domestic battery, aggravated domestic battery, aggravated battery with a machine gun, et al.
- ✓ Assault
- ✓ Forgery
- ✓ Theft
- ✓ Retail theft
- ✓ Robbery, armed robbery, aggravated robbery
- ✓ Burglary, residential burglary
- ✓ Armed violence
- ✓ Criminal trespass to a residence
- ✓ Financial exploitation of an elderly or disabled person
- ✓ Murder, homicide, manslaughter
- ✓ Kidnapping, child abduction
- ✓ Unlawful restraint, forcible detention
- ✓ Indecent solicitation of a child, sexual exploitation of a child
- ✓ Tampering with food, drugs, or cosmetics
- ✓ Aggravated stalking
- ✓ Home invasion
- ✓ Sexual assault, sexual abuse
- ✓ Endangering the life or health of a child
- ✓ Abuse or gross neglect of a long-term care facility resident
- ✓ Criminal neglect of an elderly person
- ✓ Ritual mutilation, ritualized abuse of a child
- ✓ Vehicular hijacking, aggravated vehicular hijacking
- ✓ Arson, aggravated arson, or residential arson
- ✓ Unlawful use of a weapon
- ✓ Manufacture and delivery of controlled substances (drugs) or cannabis (marijuana)
- ✓ Possession with intent to deliver (either drugs or marijuana)
- ✓ Receiving stolen credit cards or debit cards
- ✓ Receiving a credit or debit card with intent to use, sell, or transfer
- ✓ Selling or buying a credit card
- ✓ Using a credit or debit card with the intent to defraud
- ✓ Altering an electronic transmission with the intent to defraud
- ✓ Practicing nursing without a license

Please note: You may have been convicted and not sent to jail. Often people are fined or given probation, but these are still convictions. If you are unsure whether an arrest ended up to be a conviction, contact the County in which you were arrested and speak to the people at the Circuit Clerk or State's Attorney's office, or your attorney.

Some convictions that are **not** disqualifying (In other words, you can work if these are your only convictions):

- Prostitution
- Possession of cannabis or a controlled substance
- DUI
- Deceptive practices (writing "bad" checks on your own account)
- Trespass to property