

# UIC POLICIES AND PROCEDURES

NUMBER  
318

MANUAL Human Resources	SECTION Employment Guidelines	PAGE 1 of 5
SUBJECT Criminal/Sanction Background Checks Applicants Selected for Health Care Positions	EFFECTIVE 04/01/1997	REVISED 09/01/2013
ISSUED BY Assistant Vice President for Human Resources	APPROVED BY Chancellor	

## PURPOSE

To establish and maintain the safety for customers/patients utilizing University of Illinois at Chicago medical facilities and to comply with the Illinois Health Care Worker Criminal Background Check Act (HCWCBCA) and the Medicare-Medicaid Anti-Fraud and Abuse Amendments and any other governmentally mandated programs requiring certification of non exclusive backgrounds, by conducting criminal/sanctions background checks on all UIC prospective employees who have the potential for contact with hospital patients or prospective employees defined by the University of Illinois Board of Trustees as "related employees" and the Medicare-Medicaid Anti-Fraud and Abuse Amendments and any other governmentally mandated programs requiring certification of non-exclusive backgrounds, employees" who perform services for the health care component of the University, as approved on July 17, 2003.

It is the intent of this policy to maintain continuity with the provisions of the HCWCBCA and the Medicare-Medicaid Anti-Fraud and Abuse Amendments to reduce risk to customers/patients in a manner consistent with other Illinois Health Care providers, and comply with other state and federal mandates.

## SOURCES AND BACKGROUND

State of Illinois Health Care Worker Criminal Background Check Act (HCWCBCA)  
State of Illinois Campus Security Act (CSA)  
Uniform Criminal Information Act (UCIA)  
Medicare-Medicaid Anti-Fraud and Abuse Amendments  
Civil Penalties Law  
Medicare-Medicaid Patient and Program Protection Act  
Balanced Budget Act

## APPLICABILITY

All applicants considered for UIC faculty, academic professional, support staff and student positions that have the potential for contact with patients at UIC and may perform work in positions requiring sanctions review as defined by the University of Illinois Board of Trustees on July 17, 2003.

Individuals who are licensed by the Illinois Department of Professional Regulation or the Illinois Department of Public Health (IDPH) under another law of this state are exempt from these policies inasmuch as they are exempt under the HCWCBCA. This exemption also pertains to students performing clinical studies in a licensed health care field. This exemption does not exempt individuals from being checked against sanction listings.

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Current employees working in positions requiring sanctions review as defined by the University of Illinois Board of Trustees on July 17, 2003, will undergo sanction review once every year

## POLICY

A criminal/sanction background check shall be performed on an applicants considered for a position that has the potential for contact with a hospital patient and may perform work in positions identified for sanction review. No person shall be hired or retained in a position designated as having patient contact or performing work in positions requiring sanctions review if that person has been convicted of committing or attempting to commit any of the offenses listed in Section 25 of the State of Illinois Health Care Worker Criminal Background Check Act (HCWCBCA) unless a waiver has been granted by IDPH and accepted by UIC and/or has been excluded from participation in federal or state healthcare programs because of having engaged in fraud, abuse or misconduct as well as any other mandated governmental exclusion listing.

The Human Resources Department, in conjunction with employing units, shall identify all positions within the campus that have the potential for patient contact and may perform work in positions identified for sanction review. A representative(s) of the UIC Human Resources Department shall be designated to oversee compliance with this policy and shall serve as the Human Resources Criminal/Sanction Investigation Review Coordinator (HRCISRC).

The applicant must be notified that the employer shall request a criminal/sanction background check and that the applicant has the right to obtain a copy of the criminal/sanction background check and may challenge the accuracy and completeness of the report. An applicant may request a waiver by the Illinois Department of Public Health under Section 40 of the HCWCBCA if the applicant so desires.

All applicants identified as falling within the jurisdiction of this policy will have a criminal/sanction background check initiated prior to employment at UIC. Under unusual circumstances, subject to approval by the appropriate vice chancellor, the applicant may be hired conditionally in a position involving patient contact or requiring sanction review for up to three months pending the results of the criminal background check. Costs associated with criminal background checks will be paid by employing units.

If the check indicates criminal conviction activity as defined in Section 25 of the HCWCBCA, or as sanctioned and has been excluded from participation in federal or state healthcare programs because of having engaged in fraud, abuse or misconduct as well as any other mandated governmental exclusion listing, the applicant will be denied employment in these positions, unless the applicant can validate that they have not been convicted of a crime or that they are not the person identified on the sanction listings. An applicant with a disqualifying conviction may request fingerprint verification through the HRCISRC to validate identity or for purposes of applying for a waiver, but must do so within

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three (3) work days of receiving accuracy and completeness of the report by also contacting the HRCSIRC within three (3) working days of receiving the report results. UICMC reserves the right to accept or refuse waivers obtained through IDPH.

If employed conditionally, the employee will be terminated immediately unless he/she seeks to validate identity by requesting a fingerprint verification check through the HRCIRC. During the verification process, the vice chancellor responsible for the employing unit must remove the employee from a position involving patient contact or performing work in positions requiring sanctions review. In such a case, the costs of the fingerprint verification check will be paid by the employing unit. Employees appearing on the sanction listings may challenge the accuracy and completeness of the report by contacting the appropriate federal or state agency.

## PROCEDURES

### RESPONSIBILITY

1. Human Resources Criminal/Sanction Investigation Review Coordinator (HRCSIRC), or designee
2. Applicant Selected for Position
3. HRCSIRC
4. Vendor

### ACTION

- Coordinates with units/departments/vice chancellors the identification of positions that may provide patient contact and positions identified for sanction review. Prepares forms needed to inform applicants/employees of provisions of the HCWBCA, and the Medicare-Medicaid Anti-Fraud and Abuse Amendments, and obtains appropriate applicant authorization for criminal/sanction background checks.
- Completes the release form and returns the form to the Human Resources Employment Officer or to the hiring departmental representative for submittal to the HRCSIRC.
- Submits list of individuals requiring a criminal/sanction background check to vendor and coordinates the process with vendor, including tracking submissions and informing appropriate vice chancellor or designee and applicants of the results.
- Processes criminal conviction check to State Police and initiates conviction check through the

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5. HRCSIRC

6. Vice Chancellor Responsible for Employing Unit, or designee

7. HRCSIRC

United States District Court, Northern District of Illinois, and the sanction review through the Office of the Inspector General List of Excluded Parties Listing System and the Specially Designated Nationals list.

If criminal conviction check does not identify any conviction(s) as defined in Section 25 of the HCWBCA, notifies HRCSIRC of results and notifies applicant by mail.

If criminal conviction check does identify conviction(s) as defined in Section 25 of the HCWBCA, notifies only the HRCSIRC.

Regarding applicant (or conditionally hired employee) with no conviction - Notifies the appropriate vice chancellor or designee of results.

Regarding applicant (or conditionally hired employee) with conviction(s) - Provides confidential notification of the check result to the applicant (or conditionally hired employee) and appropriate vice chancellor or designee.

Will review conviction check results to determine if further consideration will be granted to the applicant (or conditionally hired employee). Will inform HRCSIRC of decision.

Will notify applicant (or conditionally hired employee) of the vice chancellor's decision.

If further consideration is not granted, will initiate the actions necessary to implement the decision.

If further consideration is granted, informs applicant (or conditionally hired employee) of the option to: 1) request a fingerprint-based

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8. Applicant with Conviction (or Conditionally Hired Employee)

conviction check for verification purposes, if so desired, or 2) seek a waiver from IDPH, which also requires a fingerprint check for application purposes.

If applicant is hired conditionally and denies validity of the conviction check, arranges for a fingerprint-based conviction check and informs appropriate vice chancellor that employee is to be moved to a position not involving patient contact until results are obtained.

May request a fingerprint verification through HRCIRC within three (3) work days of obtaining conviction report. The HRCSIRS will inform the employee on how to obtain necessary fingerprints through the Illinois State Police. Applicant is responsible for any costs associated with the fingerprint-based check. Employing department will bear any costs for fingerprint-based checks initiated for a conditionally hired employee.

May request a waiver from IDPH within the time constraints established by the HCWBCA, if a waiver is desired.

9. Applicants Appearing on Sanction Listings

Applicants appearing on sanction listings may challenge the accuracy and completeness to the report by contacting the appropriate federal or state agency.

10. Vice Chancellor Responsible for Employing Unit, or designee

Decides whether or not to accept a waiver for a criminal conviction from IDPH.

11. HRCSIRC

Informs applicant of final determination.