June 2, 2014

Q: With respect to the Identified Offender requirements (criminal history background check of residents in LTC facilities), what options does a facility have if the resident refuses to have the criminal background check completed?

A: First, the facility’s admissions policy and the resident contract should stipulate that a criminal history background check is required under the Nursing Home Care Act. If a resident is admitted and refuses to have the criminal history background check completed, the facility has no option other than to start involuntary transfer or discharge proceedings against the resident. In checking with IDPH, there are no waivers or exceptions to having the criminal history background check completed. Until the involuntary transfer or discharge is finalized, the facility is responsible for taking all steps necessary to ensure the safety of the resident in question and all other facility residents.