**Section 390.680 Direct Support Persons**

a) *A facility shall not employ an individual as a nursing assistant, home health aide,* Direct Support Person (DSP), *or newly hired* *as an individual who may have access to a resident, a resident's living quarters, or a resident's personal, financial, or medical records unless the facility has checked the Department's Health Care Worker Registry and the individual is listed on the Health Care Worker Registry as eligible to work for a health care employer. The facility shall not employ an individual as a nursing assistant* or DSP *if that individual is not on the Health Care Worker Registry unless the individual is enrolled in a training program under Section 3-206(a)(5)* *of* the *Act.*  (Section 3-206.01 of the Act)

b) A DSP that is not listed on the Health Care Worker Registry shall provide documentation of completion of, or enrollment in, a DSP training program or a Department-approved basic nursing assistant training program (see 77 Ill. Adm. Code 395). The program shall be successfully completed no later than 120 days after the date of initial employment. Programs approved in accordance with 77 Ill. Adm. Code 395 may last longer than 120 days. However, a DSP may be employed no more than 120 days prior to the successful completion of the program.

c) Each person employed by the facility as a DSP shall meet each of the following requirements:

1) *Be at least sixteen years of age, of temperate habits and good moral character, honest, reliable and trustworthy.* (Section 3-206(a)(1) of the Act)

2) *Be able to speak and understand the English language or a language understood by a substantial percentage of the facility's residents.* (Section 3-206(a)(2) of the Act)

3) *Provide evidence of* prior *employment or occupation, if any, and residence for 2 years prior to* *his or her present* *employment*. (Section 3-206(a)(3) of the Act)

4) *Have completed at least 8 years of grade school or provide proof of equivalent knowledge.* (Section 3-206(a)(4) of the Act)

5) *Begin a current course of training for nursing assistants* orDSPs*, approved by the Department, within 45 days of initial employment in the capacity of a nursing assistant* or DSP *at any facility. Courses of training shall be successfully completed within 120 days of initial employment in the capacity of nursing assistant* or DSP *at a facility. Nursing assistants* and DSPs *who are enrolled in approved courses in community colleges or other educational institutions on a term, semester or trimester basis, shall be exempt from the 120-day completion time limit.*(Section 3-206(a)(5) of the Act)

6) *Be familiar with and have general skills related to resident care.* (Section 3-206(a)(6) of the Act.

d) *It is unlawful for any facility to employ any person in the capacity of nursing assistant* or DSP*, or under any other title, not licensed by the State of Illinois to assist in the personal, medical, or nursing care of residents in* the *facility unless* the *person has complied with this Section.* (Section 3-206(c) of the Act) The facility shall verify on the Health Care Worker Registry that each nursing assistant or DSP employed by the facility meets the requirements of this Section. The facility shall print the employee's Registry profile as documentation of this verification and maintain a copy as part of the employee's personnel record.

e) During inspections of the facility, when potential problems arise regarding the care provided by DSPs, or when other evidence of inadequate training is observed, the Department may require DSPs to demonstrate competency in the principles, techniques, and procedures covered by the DSP training program curriculum described in the rules governing training programs for DSPs (see 77 Ill. Adm. Code 395.320). The State-approved manual skills evaluation testing format and forms will be used to determine competency of a DSP when appropriate. Failure to demonstrate competency of the principles, techniques and procedures shall result in the provision of in-service training to the individual by the facility. The in-service training shall address the DSP training principles and techniques relative to the procedures in which the DSPs are found to be deficient during inspection (see 77 Ill. Adm. Code 395).

(Source: Amended at 46 Ill. Reg. 8192, effective May 6, 2022)