**Section 340.1375 Personnel Requirements**

a) Supervision of Nursing Services

1) The facility shall have a director of nursing service (DONS) who shall be a registered nurse.

A) This person shall have knowledge and training in nursing service administration and restorative and rehabilitative nursing. This person shall also have some knowledge and training in the care of the type of residents for which the facility cares.

B) This person shall be a full-time employee who is on duty a minimum of 36 hours, four days per week.

C) A facility may, with written approval from the Department, have two nurses share the duties of this position if the facility is unable to obtain a full-time person. Such an arrangement will be approved only through written documentation that the facility was unable to obtain the full-time services of a qualified individual to fill this position. Such documentation shall include, but not be limited to: an advertisement that has appeared in a newspaper of general circulation in the area for at least three weeks; the names, addresses and phone numbers of all persons who applied for the position and the reasons why they were not acceptable or would not work full time; and information about the numbers and availability of licensed nurses in the area. The Department will approve only when such documentation indicates that there were no qualified applicants who were willing to accept the job on a full-time basis, and the pool of nurses available in the area cannot be expected to produce, in the near future, a qualified person who is willing to work full time.

D) In facilities of fewer than 50 beds, this person may also provide direct patient care, and this person's time may be included in meeting staff/resident ratio requirements.

2) Facilities of 100 or more beds shall have a licensed nurse designated as the assistant director of nursing service. This person shall perform the duties of the DONS when the DONS is on vacation or extended sick leave. The assistant may provide direct patient care and be included in the staff to resident ratio calculations when not acting as the DONS.

A) The assistant shall be a full-time employee who is on duty a minimum of 36 hours, four days per week. The assistant may be assigned to work hours any time of the day or night.

B) The assistant shall assist the DONS in carrying out the responsibilities of the DONS.

3) The DONS shall oversee the nursing services of the facility. This person's duties shall include:

A) Assigning and directing the activities of nursing service personnel.

B) Assuring that resident care plans are developed and maintained.

C) Recommending to the administrator the number and levels of nursing personnel to be employed, participating in their recruitment and selection and recommending termination of employment when necessary.

D) Participating in planning and budgeting for nursing services including purchasing necessary equipment and supplies.

E) Developing and maintaining nursing service objectives, standards of nursing practice, written policies and procedures, and written job descriptions for each level of nursing personnel.

F) Coordinating health services and nursing services with other resident care services such as medical, pharmaceutical, dietary activities, and any other restorative/rehabilitative services offered.

G) Planning of inservice education, embracing orientation, skill training, and ongoing education for all personnel covering all aspects of resident care and programming. The education program shall include training and practice in activities and restorative/rehabilitative nursing techniques through out-of-facility or in-facility training programs. This person may conduct these programs personally or see that they are carried out.

H) Participating in the development and implementation of resident care policies and bringing resident care problems, requiring changes in policy, to the attention of the facility's policy development group.

I) Participating in the screening of prospective residents and their placement in terms of services they need and nursing competencies available.

b) Nursing Personnel

1) A licensed or registered nurse shall be on duty and designated as being in charge of nursing services on all shifts when neither the director of nursing service nor assistant director of nursing service is on duty. If registered nurses and licensed practical nurses are on duty on the same shift, this charge nurse shall be the registered nurse.

2) At least one registered nurse shall be on duty seven days per week for eight consecutive hours. At least one registered nurse or licensed practical nurse shall be on duty on each floor housing residents.

3) The need for licensed nurses on each nursing unit in a nursing facility will be determined on an individual case basis, dependent upon the individual situation. The need for an additional registered or licensed practical nurse to serve as a "house supervisor" will be determined on an individual basis. If such additional staffing is required, the Department will inform the facility in writing of the kind and amount of additional staff time required, and the reason why it is needed.

4) Nursing Assistants

A) The facility shall assure that each person employed by the facility as a nursing assistant complies with one of the following conditions:

i) Is approved on the Department's Nurse Aide Registry. "Approved" means that the nursing assistant has met the training or equivalency requirements of Section 340.1376 of this Part and does not have a disqualifying criminal background check without a waiver.

ii) Begins a Basic Nursing Assistant Training Program (see 77 Ill. Adm. Code 395) no later than 45 days after employment. The nursing assistant shall successfully complete the training program within 120 days after the date of initial employment. A nursing assistant enrolled in a program approved in accordance with 77 Ill. Adm. Code 395.150(a)(2) shall not be employed more than 120 days prior to successfully completing the program.

iii) Within 120 days after initial employment, submits documentation in accordance with Section 340.1376 of this Part to be registered on the Nurse Aide Registry.

B) Each person employed by the facility as a nursing assistant shall meet each of the following requirements:

i) *Be at least 16 years of age, of temperate habits and good moral character, honest, reliable, and trustworthy.* (Section 3-206(a)(1) of the Act)

ii) *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)

iii) *Provide evidence of* prior *employment or occupation, if any, and residence for two years prior to* *present* *employment* as a nursing assistant. (Section 3-206(a)(3) of the Act)

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

C) The *facility shall certify* *to the Department* *the name and residence address of each* nursing assistant employed by the facility, *and that the employee subject to this Section meets all requirements of this Section.* Such certification shall be retained by the facility as part of the employee's personnel record. (Section 3-206(d) and (e) of the Act)

D) *A facility shall not employ an individual as a* *nursing assistant* *unless the facility has inquired of the Department as to information in the registry concerning* *the individual*. (Section 3-206.01 of the Act) The Department shall advise the inquirer if the individual is on the Registry, has findings of abuse, neglect or misappropriation of property in accordance with Sections 3-206.01 and 3-206.02 of the Act, and if the individual has a current background check (see Section 340.1377 of this Part).

E) Nursing assistants must be able to demonstrate competency in the principles, techniques, and procedures covered by the basic nursing assistant training program curriculum described in 77 Ill. Adm. Code 395.

c) There shall be at least one person on duty at all times who has been properly trained to handle the medical emergencies listed in Section 340.1300(f) of this Part. This person may also be counted in fulfilling the requirements of other subsections of this Section.

d) When a facility has only one employee on duty, that employee shall have been certified within the past 12 months in the provision of basic life support by an American Heart Association or American Red Cross certified training program. When there is more than one person on duty in the facility, at least two of the people on duty shall be so certified. A facility employee who is on duty serving in any capacity in the facility may be utilized to meet this requirement.

e) Direct Care Staffing

1) The facility must have adequate staff in numbers, training and supervision to meet all residents' nursing, personal care and psychosocial needs at all times.

2) Staffing shall apply to hours of actual on duty time, not hours scheduled to be provided. The Director of Nursing Services time shall not be included to fulfill required hours except as allowed in subsection (a)(1)(D) of this Section. Direct care staff includes licensed nurses, certified nurse aides, social service staff, qualified mental retardation professionals, and activity personnel.

3) Each resident shall be provided at least 2.0 direct care staff hours each day of which at least 20 percent must be licensed nurse time.

4) In a facility whose residents participate in regularly scheduled therapeutic programs outside the facility, such as school or sheltered workshops, the minimum hours per day of direct care may be reduced proportionately as long as the facility meets the needs of the residents.

f) The facility shall provide a Resident Services Director who is assigned responsibility for the coordination and monitoring of the resident's comprehensive care plan. The director of nursing services or an individual on the professional staff of the facility may fill this assignment to assure that residents' comprehensive care plans are individualized, written in terms of short and long-range goals, understandable and utilized; their needs are met through appropriate staff interventions and community resources; and residents are involved, whenever possible, in the preparation of their plan of care.

(Source: Amended at 24 Ill. Reg. 17225, effective November 1, 2000)