**Section 350.680 Direct Support Persons (DSP)**

a) *A facility shall not employ an individual as a nursing assistant, habilitation aide,* *home health aide*, a developmental disabilities aide, or a direct support person*, 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, habilitation aide,* a developmental disabilities aide, or a direct support person, *if that individual is not on the registry unless the individual is enrolled in a training program under* Section 3-206 (a)(5) of the Act and Section 350.683. (Section 3-206.01 of the Act)

b) Each of the facility's DSPs shall comply with one of the following conditions no later than 45 days after the date of initial employment:

1) Is active on the Department's Health Care Worker Registry and has met the training or equivalency requirements of Section 350.683.

2) *Begin* *a current course of training for nursing assistants or habilitation aides, approved by the Department within 45 days* after *initial employment* (see 77 Ill. Adm. Code 395). *The training shall be successfully completed within 120 days after initial employment*. *Nursing assistants, habilitation aides, and child care aides 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)

3) Submits documentation pursuant to Section 350.683 to be placed on the Health Care Worker Registry as a nursing assistant, habilitation aide, DSP, or developmental disabilities aide.

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

1) *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)

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 two years prior to* *present* *employment.* (Section 3-206(a)(3) of the Act)

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

5) Comply with Section 395.150 of the Long-Term Care Assistants and Aides Training Programs Code.

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

7) *Perform their duties under the supervision of a licensed nurse or other appropriately trained, licensed, or certified personnel.* (Section 3-206(b) of the Act)

d) *Each facility shall certify to the Department that each* DSP and habilitation aide *subject to* Section 3-206 of the Act *meets all the requirements of* the Act and this Section, and shall maintain *proof of compliance by each employee with the requirements set out in this Section shall be maintained for each such employee by each facility in the individual personnel folder of the employee. Proof of training shall be obtained only from the Health Care Worker Registry. Each facility shall obtain access to the Health Care Worker Registry's web application, maintain the employment and demographic information relating to each employee, and verify by the category and type of employment that each employee subject to this Section meets all the requirements of* the Act and this Section*.* (Section 3-206(d) and (e) of the Act)

e) During inspections of the facility and pursuant to Section 3-206(a)(5) of the Act, the Department may require DSPs to demonstrate competency in the principles, techniques, and procedures covered by the DSP training program curriculum described in 77 Ill. Adm. Code 395.320, when possible problems in the care provided by DSPs or other evidences of inadequate training are observed. If the DSP fails to demonstrate competency, the facility shall provide in-service training to the DSP. The in-service training shall address the DSP training principles, techniques, and procedures in which the DSP is found to be deficient during inspection (see 77 Ill. Adm. Code 395).

(Source: Amended at 48 Ill. Reg. 2546, effective January 30, 2024)