**Section 955.140 Policies Defining Employee Work Positions**

For purposes of the Act and this Part, the health care employer shall establish a policy defining which unlicensed employees provide direct care. If a long-term care employer has unlicensed employees who do not have access to long-term care residents or the living quarters or the financial, medical, or personal records of long-term care residents, the long-term care employer shall establish a policy defining those employee positions. In making these determinations, the health care employer shall consider the following:

a) For direct care employees:

1) The employee's assigned job responsibilities as set forth in the employee's job description;

2) Whether the employee is required to or has the opportunity to be alone with residents, patients, or clients to provide *nursing care* or to assist *with feeding, dressing, movement, bathing, toileting or other personal needs*, with the exception of infrequent or unusual occasions; (Section 15 of the Act) and

3) Whether the employee's responsibilities include physical contact with residents, patients, or clients, for example to provide therapy or to draw blood.

b) For employees in long-term care facilities:

1) The employee's assigned job responsibilities as set forth in the employee's job description; and

2) The employee's ingress and egress of the building to get to his or her normal work station.

(Source: Amended at 43 Ill. Reg. 3665, effective March 1, 2019)