**Section 300.660 Nursing Assistants**

a) *A facility shall not employ an individual as a nursing assistant, home health aide, psychiatric services rehabilitation aide, 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, nurse aide unless the facility has inquired of 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.*

b) *The facility shall not employ an individual as a nursing assistant if that individual is not on the Health Care Worker Registry unless the individual is enrolled in a training program as defined in* Section 3-206(a)(5) of the Act. (Section 3-206.01(a) of the Act)

c) The facility shall ensure that each nursing assistant complies with one of the following conditions:

1) Is approved on the Department's Health Care Worker Registry. "Approved" means that the nurse aide has met the training or equivalency requirements of Section 300.663 of this Part and does not have a disqualifying criminal background check without a waiver.

2) Within 120 days after initial employment, submits documentation to the Department in accordance with Section 300.663 of this Part to be registered on the Health Care Worker Registry.

d) The facility shall ensure that each person employed by the facility as a nursing assistant has met each of the following requirements:

1) Is *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) Is *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) Has provided *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) Has *completed at least* eight *years of grade school or* has provided *proof of equivalent knowledge* (Section 3-206(a)(4) of the Act);

5) Has completed the training or equivalency requirements for certified *nursing assistants,* or has *begun a current course of training for* certified *nursing assistants, approved by the Department, within 45 days of initial employment in the capacity of a* certified *nursing assistant at any facility. Such courses of training shall be successfully completed within 120 days of initial employment in the capacity of* certified *nursing assistant at a facility,* except as follows:

A) *Nursing assistants 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. During a statewide public health emergency, as defined in the Illinois Emergency Management Agency Act, all nursing assistants shall, to the extent feasible, complete the training.* (Section 3-206(a)(5) of the Act)

B) *The Department may accept comparable training in lieu of the 120-hour course for student nurses, foreign nurses, military personnel, or employees of the Department of Human Services.* (Section 3-206(a)(5) of the Act)

6) Is *familiar with and* has *general skills related to resident care*.

e) *The facility shall develop and implement procedures, which shall be approved by the Department, for an ongoing* competency *review process, which shall take place within the facility, for* certified *nursing assistants.*

f) *At the time of each regularly scheduled licensure survey, or at the time of a complaint investigation, the Department may require any* certified *nursing assistant to demonstrate, either through written examination or action, or both, sufficient knowledge in all areas of required training* and competency in the principles, techniques, and procedures covered by the certified nursing assistant training program curriculum described in 77 Ill. Adm. Code 395 when possible problems in the care provided by aides or other evidences of inadequate training are observed*.* The State-approved manual skills evaluation testing format and forms will be used to determine competency of a certified nursing assistant when appropriate. *If such knowledge* or competency *is inadequate the Department shall require the* certified *nursing assistant to complete in-service training and review in the facility until the* certified *nursing assistant demonstrates to the Department, either through written examination or action, or both, sufficient knowledge in all areas of required training.* The in-service training shall address the certified nursing assistant training principles and techniques relative to the procedures in which the certified nursing assistants are found to be deficient during inspection (see 77 Ill. Adm. Code 395). (Section 3-206(a)(5) of the Act)

g) The facility shall certify that each nursing assistant employed by the facility meets the requirements of this Section. Such certification shall be retained by the facility as part of the employee's personnel record.

(Source: Amended at 48 Ill. Reg. 3317, effective February 16, 2024)