

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 955
HEALTH CARE WORKER BACKGROUND CHECK CODE

Section

955.1 COVID-19 Emergency Provisions

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AUTHORITY: Implementing and authorized by the Health Care Worker Background Check Act [225 ILCS 46].

SOURCE: Adopted at 28 Ill. Reg. 14133, effective October 15, 2004; amended at 33 Ill. Reg. 5378, effective March 26, 2009; amended at 43 Ill. Reg. 3665, effective March 1, 2019; emergency amendment at 44 Ill. Reg. _____; effective _____ for a maximum of 150 days.

Section 955.1 COVID-19 Emergency Provisions

During the duration of any Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19, the following shall apply to this Part:

- a) The provisions in Section 33(g) of the Healthcare Worker Background Check Act and Section 955.165 that prohibit an individual from being hired to work as a certified nursing assistant if they have been inactive on the Health Care Worker Registry are suspended if all of the following conditions are met:
 - 1) The individual has been in inactive status for a period of no more than 5 years;
 - 2) The individual was in good standing at the time they became inactive; and
 - 3) The individual completes and submits any forms required by the Department of Public Health.

- b) The Department may allow military personnel to serve as certified nursing assistants (CNAs) to address the increasing need for CNAs in health care facilities in response to the COVID-19 outbreak in Illinois. Military personnel shall meet the following criteria to serve as a CNA during this crisis:

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- 1) Shall provide DD Form 214 demonstrating successful completion of corpsman medic or combat medic training; or
- 2) Shall provide documentation of current military occupational specialty as corpsman medic, combat medic, or other related medical training if currently serving in a branch of the U.S. military.
- c) The requirements for permanent certification of CNAs who are certified or licensed in another state, who are in good standing, and who are working under the direction of IEMA and the Department (hereinafter “Out-of-state CNAs”) in response to the public health emergency declared by the Governor, are suspended. Out-of-state CNAs are limited to working under the direction of IEMA and the Department pursuant to a declared disaster or in a state licensed long-term care facility, state licensed hospital, or federally qualified health center (FQHC) and are limited to providing CNA services for the duration of the Gubernatorial Disaster Proclamations in response to the COVID-19 outbreak.
- d) Out-of-state CNAs shall provide the Department with their name, contact information including phone number and email address, state of certification or licensure, certification or license number, and the date they will begin working in Illinois on a form provided by the Department.
- e) The provision in Section 33(l) of the Health Care Worker Background Check Act and Section 955.165(k) that limits conditional employment of certified nursing assistants to three months pending the results of a finger-print based criminal history record check is suspended. However, the Department will not permit a certified nursing assistant to continue conditional employment beyond six months without obtaining the results of a finger-print based criminal history record check.

(Source: Added by emergency rulemaking at 44 Ill Reg. _____, effective _____ for a maximum of 150 days)