October 1, 2018

Q: We received the following note from IDPH, with a request that we offer some clarification to our members: “We are noticing a great number of long term care facilities misunderstanding the purpose of the Health Care Worker Registry. Currently, many LTC facilities believe they must enter work history and conduct background checks for licensed professionals such as RNs, LPNs, and therapists. Some are informing staffing agencies they cannot accept their licensed professionals until they are cleared through the Health Care Worker Registry.”

A: If an employee is currently working as a licensed nurse, he or she is not under the jurisdiction of the Health Care Worker Registry. The Health Care Worker Registry (HCWR) is governed by the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code [77 Ill. Adm. Code 955]. The Act and the Code mandate which employees fall under the jurisdiction of the HCWR.

This Act and the Code apply only to “unlicensed” individuals employed or retained by a health care employer as home health care aides, nurse aides, personal care assistants, private duty nurse aides, day training personnel, or an individual working in any similar health-related occupation where he or she provides direct care . . . or has access to long-term care residents or the living quarters or financial, medical, or personal records of long-term care residents. This Part also applies to all unlicensed employees of licensed or certified long-term care facilities who have or may have contact with residents or access to the living quarters or the financial, medical, or personal records of residents.” [77 Ill. Adm. Code 955.100].

Therefore, the only employees who fall under the jurisdiction of the HCWR are unlicensed staff providing direct care or unlicensed staff in long term care facilities who have access to residents’ living quarters or records. Licensed staff (such as nurses) and staff not providing direct care (except in long term care facilities) do not fall under the jurisdiction of the HCWR and should not be added to the Registry.

IDPH cannot process waiver applications from employees who do not fall under the jurisdiction of the HCWR. The Illinois Department of Financial and Professional Regulations (IDFPR) handles work eligibility of licensed staff, such as nurses. So we cannot tell an RN that he or she is ineligible to work or provide a waiver to an RN, because that would be beyond our authority. The authority to discipline staff licensed by DFPR would rest with DFPR.

Also, please click here for an IDPH presentation on the HCWBC Program.