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AGENCIES



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INTRODUCTION

The Illinois Register is the official State document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register. The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings. The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
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23	May 24, 2010	June 4, 2010

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24	June 1, 2010	June 11, 2010
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33	August 2, 2010	August 13, 2010
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49	November 22, 2010	December 3, 2010
50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2010 to January 3, 2011.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Elder Rights
- 2) Code Citation: 89 Ill. Adm. Code 270
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
270.210	Amendment
270.220	Amendment
270.221	New Section
270.275	Amendment
270.280	New Section
270.285	New Section
270.290	New Section
270.295	New Section
270.300	New Section
- 4) Statutory Authority: 20 ILCS 105/4.01(11) and 320 ILCS 20/3(c), 4, 6, 10, and 14
- 5) A Complete Description of the Subjects and Issues Involved: In Section 270.210, strikes the definition for the term "After Hours Line" and adds new definitions for the following terms: "Combined service area", "Elder Abuse Hotline", and "Review team", "Shared service area", and "Unfounded". Also amends the definitions for the terms "Domestic living situation" by adding a reference to a facility licensed under the MR/DD Community Care Act pursuant to Public Act 96-339 and deleting the reference for a "Community residential alternative" pursuant to Public Act 96-526. Updates the name of the Nurse Practice Act and the Pharmacy Practice Act in the definition for the term "Mandated reporter" and expands the provision regarding religious practitioners to include more individuals than only a Christian Science Practitioner. Deletes unnecessary spaces.

In Section 270.220(g), adds a provision regarding the discretionary authority of regional administrative agency to procure services during non-business hours for a combined or shared service area under Public Act 95-76.

In Section 270.221, adds new provisions regarding the establishment, composition, designation process, procedures and protocols, review of cases, confidentiality, recommendations and referrals, and data collection and analysis of Elder Abuse Fatality Review Teams as authorized under Public Act 95-402.

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In Section 270.275, updates references to various new categories of individuals (e.g., an authorized guardian or agent, except for any alleged or substantiated abusers; an executor or administrator of an estate of an eligible adult who is deceased; and a coroner or medical examiner having proper jurisdiction) who are authorized to request confidential elder abuse records in accordance with Public Act 96-526.

Adds a new Subpart D including Section 270.280 through 270.300 to establish rules governing the use of volunteers for public awareness activities and companion-type services in local elder abuse programs under Public Act 94-431. These new rules provide uniform guidance to provider agencies regarding the selection and screening of volunteers, establish training requirements, direct the use of agreements to monitor volunteer responsibilities, and require supervision of the activities of volunteers at the local level.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None; however, the Department developed these rules with input from its Elder Abuse Program Advisory Group.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or enlarge any State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed rulemaking within 45 days after the date of publication of this Notice to:

Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
421 E. Capitol Avenue, #100
Springfield, IL 62701-1789

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After December 7, 2010 use this address:

Illinois Department on Aging
One Natural Resources Way
Springfield, IL 62702-1271

217/782-4842

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Provider agencies for the Elder Abuse and Neglect Program
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting, bookkeeping, and other procedures commensurate with any such requirements established under the Elder Abuse and Neglect Program
 - C) Types of professional skills necessary for compliance: Professional skills commensurate with any such requirements established under the Elder Abuse and Neglect Program
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007, January 2008 and July 2008

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 270
ELDER RIGHTS

SUBPART A: INTRODUCTION

Section
270.10 Summary and Purpose

SUBPART B: LONG TERM CARE OMBUDSMAN PROGRAM

Section
270.100 Long Term Care Ombudsman Program
270.105 Definitions
270.110 Responsibilities of the Department and the Office of the State Long Term Care Ombudsman
270.115 Display of Ombudsman Poster
270.120 Access to Resident Records
270.130 Conflict of Interest

SUBPART C: ELDER ABUSE AND NEGLECT PROGRAM

Section
270.200 Purpose
270.205 Elder Abuse and Neglect Program
270.210 Definitions
270.215 Organizational Standards and Responsibilities: Department on Aging
270.220 Organizational Standards and Responsibilities: Regional Administrative Agencies
| 270.221 Elder Abuse Fatality Review Teams
270.225 Organizational Standards and Responsibilities: Elder Abuse Provider Agencies
270.230 Elder Abuse Reporting
270.235 Immunity
270.240 Intake of ANE Reports
270.245 Access to Eligible Adults
270.250 Minimum Assessment and Classification Standards
270.255 ANE Case Work, Follow-Up, Referral to Law Enforcement and Case Closure

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270.260	Authority to Consent to Services and Court Petitions
270.265	Emergency Intervention Services
270.270	Multi-disciplinary Teams
270.275	Confidentiality and Disclosure

SUBPART D: ELDER ABUSE VOLUNTEER CORPSSection

<u>270.280</u>	<u>Definitions</u>
<u>270.285</u>	<u>Selection and Screening</u>
<u>270.290</u>	<u>Training</u>
<u>270.295</u>	<u>Volunteer Agreement and Volunteer Responsibilities</u>
<u>270.300</u>	<u>Activities and Supervision</u>

AUTHORITY: Implementing Section 4.04(c) and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.04(c) and 4.01(11)] and Section 10 of the Elder Abuse and Neglect Act [320 ILCS 20/10].

SOURCE: Adopted at 21 Ill. Reg. 8887, effective July 1, 1997; amended at 25 Ill. Reg. 5259, effective April 1, 2001; amended at 26 Ill. Reg. 3964, effective March 15, 2002; expedited correction at 26 Ill. Reg. 8482, effective March 15, 2002; amended at 30 Ill. Reg. 8913, effective April 28, 2006; amended at 35 Ill. Reg. _____, effective _____.

SUBPART C: ELDER ABUSE AND NEGLECT PROGRAM

Section 270.210 Definitions

"Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources. [320 ILCS 20/2(a)]

"Abuser" means a person who abuses, neglects, or financially exploits an eligible adult. [320 ILCS 20/2(a-5)]

"Act" means the Elder Abuse and Neglect Act. [320 ILCS 20].

~~*"After Hours Line" means the toll-free statewide number that can be called to report suspected cases of elder abuse, neglect and exploitation on holidays, weekends and weekdays before 8:30 a.m. and after 5:00 p.m.*~~

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"Allegation" means a charge or a claim of abuse, neglect, or financial exploitation.

"Alleged abuser" means a person who is reported as abusing, neglecting, or financially exploiting an older person.

"Alleged victim" means the older person who is reported as being abused, neglected, or financially exploited.

"ANE" means abuse, neglect, and financial exploitation.

"Assessment" means the process of obtaining and documenting information about the case to determine if there is reason to believe abuse, neglect or exploitation is occurring (or has occurred), and to ascertain the level of risk to the eligible adult of future abuse or harm.

"Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation, has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living. [320 ILCS 20/2(a-7)]

"Casework" is the development and implementation of a service plan for the client, which minimally includes: the identification of the needs, problems, limitations and capacities of the client; interventions to protect the health, welfare and safety of the client; assisting the client in obtaining needed services; and respecting the self-determination and independence of the client.

"Clear and convincing" is the standard of proof that must be met to reach a "verified" substantiation decision in the ANE Program. This standard of proof is met when the credible evidence, weighed in its entirety, creates a substantial certainty that the abuse, neglect or financial exploitation is occurring or has occurred.

"Client" is an eligible adult who is receiving services from the elder abuse provider agency.

"Combined service area" means a designated service area, within a planning and service area where a single provider agency is responsible for providing a response, during non-business hours, to reports of alleged or suspected abuse or

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neglect when an eligible adult is at risk of death or serious physical injury, pursuant to a cooperative agreement among the provider agencies involved. The provider agency shall respond to reports in accordance with the time frame outlined in Section 270.240.

"Confinement" means restraining or isolating an older person for other than bona fide medical reasons.

"Department" means the Department on Aging of the State of Illinois. [320 ILCS 20/2(b)]

"Director" means the Director of the Department. [320 ILCS 20/2(c)]

"Domestic living situation" means a residence where the eligible adult lives alone or with his or her family or a caregiver, or others, or a board and care home or other community-based unlicensed facility, but is not:

A licensed facility as defined in Section 1-113 of the Nursing Home Care Act [210 ILCS 45/1-113];

A facility licensed under the MR/DD Community Care Act;

A "life care facility" as defined in the Life Care Facilities Act [210 ILCS 40];

A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act [210 ILCS 85];

A "community living facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35]; and

~~*A "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [210 ILCS 140]; and*~~

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A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135].

"Elder Abuse HotLine" means the 24-hour toll-free statewide number that can be called to report suspected cases of elder abuse, neglect, or financial exploitation.

"Elder abuse provider agency" means any public or nonprofit agency, appointed by the regional administrative agency with prior approval by the Department, to receive and assess reports of alleged or suspected abuse, neglect and financial exploitation.

"Eligible adult" means a person 60 years of age or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual. [320 ILCS 20/2(e)]

"Emergency Intervention Services" are the services purchased by elder abuse provider agencies to provide temporary short term or emergency services necessary to secure the health, welfare and/or safety of a client when other existing resources are unavailable.

"Emotional abuse" means verbal assaults, threats of maltreatment, harassment, or intimidation.

"Financial exploitation" means the use of an older person's resources by another to the disadvantage of the older person and/or the profit or advantage of a person other than the older person.

"Follow-up" means the monitoring of substantiated cases of ANE for clients of the program.

"Guardian" means a person appointed by a court of competent jurisdiction, who is legally responsible for the care of a person who has been adjudicated by the court to be incompetent to manage his or her own affairs and/or property.

"Intake" means the point at which an elder abuse provider agency receives a report of alleged or suspected abuse, neglect, or financial exploitation; screens the case to make an initial determination that the alleged victim is an eligible adult;

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and, if so, opens a case file to keep a record of the case.

"Intervention" means an action initiated by the elder abuse caseworker or the elder abuse provider agency to provide medical, social, economic, legal, housing, law enforcement, or other protective, emergency, or supportive services to, or on behalf of, the elder abuse victim or alleged victim.

"Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

a professional or professional's delegate while engaged in:

social services,

law enforcement,

education,

the care of an eligible adult or eligible adults, or

any of the occupations required to be licensed under the Clinical Psychologist Licensing Act [225 ILCS 15], the Clinical Social Work and Social Work Practice Act [225 ILCS 20], the Illinois Dental Practice Act [225 ILCS 25], the Dietetic and Nutrition Services Practice Act [225 ILCS 30], the Marriage and Family Therapy Licensing Act [225 ILCS 55], the Medical Practice Act of 1987 [225 ILCS 60], the Respiratory Care Practice Act [225 ILCS 106], the Naprapathic Practice Act [225 ILCS 63], the Nurse Practice Act~~Illinois Nursing and Advanced Practice Nursing Act~~ [225 ILCS 65], the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70], the Illinois Occupational Therapy Practice Act [225 ILCS 75], the Illinois Optometric Practice Act of 1987 [225 ILCS 80], the Pharmacy Practice Act ~~of 1987~~ [225 ILCS 85], the Illinois Physical Therapy Act [225 ILCS 90], the Physician Assistant Practice Act of 1987 [225 ILCS 95], the Podiatric Medical Practice Act of 1987 [225 ILCS 100], the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107], the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110], the

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Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115], and the Illinois Public Accounting Act [225 ILCS 450];

an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

an administrator, employee, or person providing services in or through an unlicensed community-based facility;

any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential~~*a Christian Science Practitioner;*~~

field personnel of the Department of Healthcare and Family Services, Department of Public Health, and Department of Human Services, and any county or municipal health department;

personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman; provided that attorneys contracted or employed by the Area Agencies and their senior legal services providers and licensed to practice in Illinois are not mandated to report elder abuse, although they may voluntarily do so;

any employee of the State of Illinois not otherwise specified in this definition who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults;

a person who performs the duties of a coroner or medical examiner; or

a person who performs the duties of a paramedic or an emergency medical technician. [320 ILCS 20/2(f-5)]

"Neglect" means another individual's failure to provide an eligible adult with or

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willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or medical care. This definition does not create any new affirmative duty to provide support to eligible adults. Nothing in the Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals. [320 ILCS 20/2(g)]

"Passive neglect" means the failure by a caregiver to provide an eligible adult with the necessities of life including, but not limited to, food, clothing, shelter, or medical care, because of failure to understand the eligible adult's needs, lack of awareness of services to help meet needs, or a lack of capacity to care for the eligible adult.

"Physical abuse" means the causing of physical pain or injury to an eligible adult.

"Preponderance of the evidence" is the standard of proof that must be met to reach a "some indication" substantiation decision in the ANE Program. This standard of proof is met when the credible evidence, weighed in its entirety, creates a reasonable certainty that more likely than not the abuse, neglect or financial exploitation is occurring or has occurred.

"Provider agency" means any public or nonprofit agency in a planning and service area appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation. [320 ILCS 20/2(h)]

"Regional administrative agency" means any public or nonprofit agency in a planning and service area so designated by the Department, provided that the designated Area Agency on Aging shall be designated the regional administrative agency if it so requests. The Department shall assume the functions of the regional administrative agency for any planning and service area where another agency is not so designated. [320 ILCS 20/2(i)]

"Reporter" means the person who calls, visits or otherwise communicates to an authorized intake agency allegations or suspicions that an eligible adult has been or is being abused, neglected, or financially exploited.

"Review team" means a regional interagency elder abuse fatality review team established pursuant to Section 15 of the Act. Each review team shall be

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comprised of representatives of the Department on Aging, the coroner's or medical examiner's office, the State's Attorney's office, local police departments, forensic units, the provider agency, and other interested parties, the purpose of which is to review suspicious or unexplained deaths of seniors in a domestic living situation.

"Senior HelpLine" means the Department's toll-free statewide number that can be called to report suspected cases of elder abuse, neglect and financial exploitation, or to obtain additional information about services available to eligible adults.

"Sexual abuse" means any sexual activity with an eligible adult who is unable to understand, unwilling to consent, threatened, or physically forced to engage in such sexual activity.

"Shared service area" means the designated area within a planning and service area where two or more provider agencies are responsible for providing a response, during non-business hours, to reports of alleged or suspected abuse or neglect when an eligible adult is at risk of death or serious physical injury, pursuant to a cooperative agreement among the provider agencies involved. The provider agencies shall respond to reports in accordance with the time frame outlined in Section 270.240.

"Source of information" means the point of origin of information about the client.

"State Triad" is a statewide, unincorporated, voluntary association of law enforcement, senior citizens and community groups, organized around the issue of senior safety, crime against the elderly, and financial exploitation of the elderly. The State Triad Council was created under the aegis of the National Association of Triads, Inc., 1450 Duke Street, Alexandria VA 22314.

"Substantiation" is the process by which an elder abuse provider agency determines, after a review of all available information, that abuse, neglect or financial exploitation of an eligible adult has occurred.

"Substantiated case" means a reported case of alleged or suspected abuse, neglect or financial exploitation in which a provider agency, after assessment, determines that there is reason to believe abuse, neglect, or financial exploitation has occurred. [320 ILCS 20/2(j)]

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"Victim" means an eligible adult who is the subject of a substantiated report of abuse, neglect, or financial exploitation.

"Willful deprivation" is the deliberate denial to an eligible adult of required medication, medical care, shelter, food, therapeutic devices, or other physical assistance, thereby exposing that person to the risk of physical, mental, or emotional harm. Willful deprivation shall not include the discontinuation of medical care or treatment when the eligible adult has expressed a desire to forego such medical care or treatment.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 270.220 Organizational Standards and Responsibilities: Regional Administrative Agencies

- a) *Each regional administrative agency shall designate provider agencies within its planning and service area with prior approval by the Department on Aging. [320 ILCS 20/3(b)]*
- b) The standard term for designation shall be for six years, unless such designation is terminated by action of the regional administrative agency or the Department, or unless a provider agency declines to continue its designation. The contract for services in a specified geographical area shall be awarded to a designated elder abuse provider agency for a period of one year. The contract for services may be renewed annually by the regional administrative agency, with the prior approval of the Department.
- c) A procurement process shall be held by the regional administrative agency for the designation of an elder abuse provider agency in each service area every six years, except as provided in subsection (f)(1).
- d) If a review of the proposals submitted during a procurement process fails to produce an acceptable provider agency for the service area, the regional administrative agency shall designate, with the prior approval of the Department, a qualified agency on an emergency basis.
- e) The regional administrative agency, after notification to, and concurrence by, the Department, may terminate the designation of an elder abuse provider agency for failure to provide services in accordance with the contract and this Part.

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- f) If the designation of an elder abuse provider agency has been terminated, either at the initiative of the regional administrative agency or an elder abuse provider agency, the regional administrative agency shall designate, with the prior approval of the Department, a qualified agency on an emergency basis until such time that a subsequent procurement process produces an acceptable provider agency for the service area.
- 1) When an organization or agency has been selected on an emergency basis, the agency shall be designated for the balance of the fiscal year in which such designation was awarded, and for up to one additional year.
 - 2) Not later than two years following the emergency designation, the regional administrative agency shall conduct a procurement process for the designation of an elder abuse provider agency for the specified service area.
- g) A regional administrative agency may elect, for its planning and service area, to designate provider agencies, from those agencies designated in accordance with subsections (a) through (f) of this Section, for the purpose of providing either a combined or shared service area response, during non-business hours, to reports of alleged or suspected abuse or neglect when an eligible adult is at risk of death or serious physical injury. Each regional administrative agency shall follow the steps outlined in subsections (a) through (f) for procuring services for non-business hours for a combined or shared service area.
- h) The regional administrative agencies shall provide technical assistance to elder abuse provider agencies and shall seek from Department staff policy clarifications and interpretations of standards and procedures.
- ih) Regional administrative agencies shall monitor the performance of elder abuse provider agencies, according to Departmental policies.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 270.221 Elder Abuse Fatality Review Teams

a) Establishment

The Department, or any other State or county agency with Departmental

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approval, may establish regional interagency elder abuse fatality review teams to:

- 1) assist local agencies in identifying and reviewing suspicious deaths of elderly victims of alleged, suspected, or substantiated abuse or neglect in domestic living situations [320 ILCS 20/2(d)]; and
- 2) facilitate communications between officials responsible for autopsies and inquests and persons involved in reporting or investigating alleged or suspected cases of abuse, neglect, or financial exploitation of persons 60 years of age or older [320 ILCS 20/15(b)].

b) Composition

Each review team shall be composed of representatives of entities and individuals including, but not limited to, the Department on Aging, coroners or medical examiners (or both), State's Attorneys, local police departments, forensic units, and providers of services for persons 60 years of age or older in domestic living situations. [320 ILCS 20/15(b)]

c) Designation Process

- 1) Unless the review team selects, by majority vote, another member, the coroner or medical examiner of the county in which the review team is located shall serve as chair. For review teams in which more than one county is participating, the review team shall select, by majority vote, the chair.
- 2) The chair of a review team shall apply to the Department for official designation under the Elder Abuse and Neglect Program. The application shall be in writing and must include the following information:
 - A) the county or counties that will participate in the review team;
 - B) the names, offices, business addresses, and emergency contact information of the members of the review team;
 - C) a copy of the proposed procedures and protocols for the review team or a statement by the chair that the review team is adopting the statewide standard designed by the Department; and

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D) the date on which, if a designation is approved, the review team proposes to begin its work.

3) Upon receipt of an application, the Department will have 25 calendar days to respond. If the Department refuses to approve a designation, the reason or reasons for that refusal will be promptly transmitted, in writing, to the chair. An application for official designation as a review team that has been refused previously by the Department may be resubmitted, with appropriate changes, at any time.

d) Procedures and Protocols

1) The Department will design a statewide standard for procedures and protocols of review teams and create a standardized form for data collection about investigations and referral recommendations, which will be available for use by any interested review team.

2) Upon being organized, a review team shall adopt either the statewide standard in a substantially similar form or individual procedures and protocols to review cases as required by subsection (e). Required procedures include protocols for recordkeeping relating to the outcome of investigations and referral recommendations; maintaining confidential communications and records; sharing information about cases with other offices for adult protective services, criminal investigation and prosecution, or court-ordered discovery; data aggregation, collection, and analysis; and allocation of the time and resources of the review team for investigating cases in the event its composition consists of members from more than one county.

3) A review team shall meet not less than 6 times a year to discuss cases for its possible review. Each review team, with the advice and consent of the Department, shall establish criteria to be used by review teams in discussing cases of alleged, suspected, or substantiated abuse or neglect for review. [320 ILCS 20/15(c)]

e) Review of Cases

1) A review team shall review cases of deaths of persons 60 years of age or

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older in domestic living situations:

- A) involving blunt force trauma or an undetermined manner or suspicious cause of death;
- B) if requested by the deceased's attending physician;
- C) upon referral by a health care provider; or
- D) constituting an open or closed case from a senior protective services agency, law enforcement agency, or State's Attorney's office that involves alleged or suspected abuse, neglect, or financial exploitation.

2) A team may also review other cases of deaths of persons 60 years of age or older if the alleged abuse or neglect occurred while the person was residing in a domestic living situation. [320 ILCS 20/15(c)]

f) Confidentiality

- 1) Any document or oral or written communication shared within, or produced by, a review team relating to a case discussed or reviewed by the review team is confidential and is not subject to disclosure to, or discoverable by, another party.
- 2) Any document or oral or written communication provided to a review team by an individual or entity, or created by that individual or entity solely for the use of the review team, is confidential and is not subject to disclosure to, or discoverable by, another party.
- 3) Each individual or entity represented on an elder abuse fatality review team may share with other members of the team information in the individual's or entity's possession concerning the decedent who is the subject of the review or concerning any person who was in contact with the decedent, as well as any other information deemed by the individual or entity to be pertinent to the review. Any such information shared by an individual or entity with other members of a team is confidential. The intent of this subsection (f)(3) is to permit the disclosure to members of a team of any information deemed confidential or privileged or prohibited

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from disclosure by any other provision of law.

4) Release of confidential communication between domestic violence advocates and a domestic violence victim shall follow Section 227(d) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/227(d)], which allows for the waiver of privilege afforded to guardians, executors, or administrators of the estate of the domestic violence victim. This provision relating to the release of confidential communication between domestic violence advocates and a domestic violence victim shall exclude adult protective service providers.

5) A coroner's or medical examiner's office may share with a review team medical records that have been made available to the coroner's or medical examiner's office in connection with that office's investigation of a death. [320 ILCS 20/15(d)]

g) Recommendations and Referrals

A review team's recommendation in relation to a case discussed or reviewed by the review team, including, but not limited to, a recommendation concerning an investigation or prosecution in relation to such a case, may be disclosed by the review team upon the completion of its review and at the discretion of a majority of its members who review the case. [320 ILCS 20/15(e)]

h) Data Collection and Analysis

1) Information on actual cases collected by the review teams shall be forwarded to the Department for aggregation and analysis.

2) The Department, in consultation with coroners, medical examiners, and law enforcement agencies, will use aggregated data gathered by review teams and review teams' recommendations to create an annual report and may use this data and recommendations to develop education, prevention, prosecution, or other strategies designed to improve the coordination of services for persons 60 years of age or older and their families. The data may include victim demographics; perpetrator demographics; descriptions of the victim's relationship with the perpetrator; cause of death; aggravating and other contributing risks factors for abuse, neglect, or financial exploitation; the outcome of investigations; referral recommendations; and the final dispositions in

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criminal prosecutions.

3) The Department or other State or county agencies, in consultation with coroners, medical examiners, and law enforcement agencies, also may use aggregated data gathered by review teams to create a database of at-risk individuals. [320 ILCS 20/15(f)]

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 270.275 Confidentiality and Disclosure

- a) The Elder Abuse and Neglect Act provides that the identity of any person making a report of alleged or suspected elder abuse, neglect, or financial exploitation may be disclosed only with that person's written consent or by court order.
- b) *All records concerning reports of elder abuse, neglect, or financial exploitation and all records generated as a result of such reports shall be confidential and shall not be disclosed except as specifically authorized by the Act or other applicable law. Access to such records, but not access to the identity of the person or persons making a report of alleged abuse, neglect, or financial exploitation as contained in such records, shall be allowed to the following persons and for the following persons:*
 - 1) *Department staff, provider agency staff, other aging network staff, and regional administrative agency staff in the furtherance of their responsibilities under the Act;*
 - 2) *A law enforcement agency investigating a known or suspected case of elder abuse, neglect, or financial exploitation. Where a provider agency has reason to believe that the death of an eligible adult may be the result of abuse or neglect, the agency shall immediately provide the appropriate law enforcement agency with all records pertaining to the eligible adult;*
 - 3) *A physician who has before him or her or who is involved in the treatment of an eligible adult whom he or she reasonably suspects may be abused, neglected, or financially exploited or who has been referred to the Elder Abuse and Neglect Program;*
 - 4) *An eligible adult reported to be abused, neglected, or financially*

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exploited, or such adult's authorized guardian or agent, unless the guardian or agent is the abuser or the alleged abuser;

- 5) An executor or administrator of the estate of an eligible adult who is deceased;
- 6) A court or a guardian ad litem upon its or his or her finding that access to such records may be necessary for the determination of an issue before such court;
- 76) A grand jury, upon its determination that access to such records is necessary for conduct of its official business;
- 87) Any person authorized by the Director, in writing, for audit or bona fide research purposes;
- 98) A coroner or medical examiner who has reason to believe that an eligible adult has died as the result of abuse, neglect, or financial exploitation. The provider agency shall immediately provide the coroner or medical examiner with all records pertaining to the eligible adult; ~~and~~
- 109) A coroner or medical examiner having proper jurisdiction, pursuant to a written agreement between a provider agency and the coroner or medical examiner, under which the provider agency may furnish to the office of the coroner or medical examiner a list of all eligible adults who may be at imminent risk of death as a result of abuse, neglect, or financial exploitation; and
- 11) Department of Financial and Professional Regulation staff and members of the Social Work Examining and Disciplinary Board in the course of investigating alleged violations of the Clinical Social Work and Social Work Practice Act [225 ILCS 20] by provider agency staff. [320 ILCS 20/8]

- c) All records must be maintained as confidential and stored in a designated and secure area within the elder abuse provider agency offices.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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SUBPART D: ELDER ABUSE VOLUNTEER CORPSSection 270.280 Definitions

Activity Plan: The document that describes and records the recruitment, selection, screening, training, appointment, assignment, supervision, and evaluation of the individual volunteer.

Agreement: The document signed by an authorized representative of the elder abuse provider agency and the volunteer in which the elder abuse provider agency appoints the volunteer as an agent and representative of the Elder Abuse and Neglect Program and the volunteer accepts that appointment and the concomitant responsibilities. This agreement shall constitute the volunteer contract required by the State Employee Indemnification Act [5 ILCS 350].

Companion-type services: Activities intended to assist the eligible adults served by the elder abuse provider agency, which may include, but are not limited to, visitations, assistance in transportation, and other personal assistance that does not involve medical, nursing or professional services.

Elder abuse provider agency: An organization designated by the Department pursuant to Section 3 of the Act to provide services to eligible adults pursuant to that Act.

Public awareness: Activities designed to educate and inform the public, which may include, but are not limited to, giving public presentations and speeches; participation in public informational fairs; representing the elder abuse provider agency with community, social service or senior advocacy groups; the creation or production of television or radio public service announcements; and the writing, editing or distribution of newspaper articles, magazine articles, press releases or information sheets.

Regional Administrative Agency: A public or private entity that has been designated by the Department pursuant to Section 3 of the Act.

Volunteer: An individual who has been appointed by the elder abuse provider agency to provide "public awareness services" to that agency or "companion-type services" to eligible adults in accordance with the elder abuse provider agency's Volunteer Plan and the individual volunteer's Activity Plan.

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Volunteer Plan: The document created by the elder abuse provider agency and approved by the Department that describes the procedure for the recruitment, selection, screening, training, appointment, assignment, supervision, and evaluation of volunteers.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 270.285 Selection and Screening

- a) Each elder abuse provider agency utilizing volunteers under this Subpart shall create a Volunteer Plan, approved by the Department, to recruit, select, screen, train, appoint, assign, supervise and evaluate volunteers.
- b) The recruitment, selection, and screening of volunteer applicants shall be the responsibility of the elder abuse provider agency. Each volunteer applicant shall submit the required personal, professional and background information on a form prescribed by the Department.
- c) The elder abuse provider agency shall conduct a screening of each volunteer applicant. This screening process may include, but is not limited to, personal interviews; reference checks; fingerprint checks; credit checks; medical and mental health checks; background checks; driving record checks; and reviews of professional disciplinary actions, criminal prosecutions, and police records.
- d) The purpose of the screening process is solely to determine the suitability of the volunteer applicant to serve as an appointed volunteer. The elder abuse provider agency shall not seek any personal information on a volunteer applicant beyond that which is necessary to complete the screening process. The screening process of the volunteer applicant shall be the same regardless of expected assignment of the individual volunteer.
- e) Each volunteer applicant shall be required to sign an authorization for the release of the information the elder abuse provider agency has determined to be necessary to complete the screening process. All such information gathered in the course of the background checks and reviews of volunteer candidates shall be held in the strictest confidence permitted by law.

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- f) Upon the completion of the screening process, the elder abuse provider agency shall notify the volunteer applicant whether he or she will be designated as a volunteer. The elder abuse provider agency shall also inform those volunteer applicants who are not so selected of the basis for the decision. The decision of the elder abuse provider agency is final.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 270.290 Training

- a) The training of volunteers is the responsibility of the elder abuse provider agency, and shall be done according to the Volunteer Plan. Prior to being assigned any responsibilities, the volunteer must have satisfactorily completed an initial course of training of not less than six hours.
- b) The initial volunteer training shall include materials on program procedures, elder abuse provider agency organization, types of elder abuse and neglect, confidentiality, safety procedures, the dynamics of client interaction, and additional subjects as each elder abuse provider agency deems necessary.
- c) Each volunteer shall take the advanced training deemed appropriate and necessary by the elder abuse provider agency to undertake the activities to which the volunteer will be assigned.
- d) The initial volunteer training shall be repeated for classes of new volunteers as needed.
- e) As a part of the Volunteer Plan, the elder abuse provider agency shall maintain copies of past and current training agendas.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 270.295 Volunteer Agreement and Volunteer Responsibilities

Each volunteer, upon being appointed, and prior to entering into his or her assigned activities, shall sign a volunteer agreement with the elder abuse provider agency. The agreement shall have been approved by the Department, and shall include the name and contact information for the volunteer, the number of hours per week or month that the

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volunteer anticipates serving, a statement of the general activities to which the volunteer will be assigned, and the following stipulations by the volunteer:

- a) the volunteer agrees to maintain confidentiality as required by the Act, the standards of the Elder Abuse and Neglect Program, and the policies of the elder abuse provider agency, during and after the period of volunteer service;
- b) the volunteer acknowledges and accepts the responsibilities of being a mandated reporter for abuse of older adults, persons with disabilities, and children;
- c) the volunteer agrees to inform the elder abuse provider agency, in writing, of the existence of any apparent conflict of interest, including a preexisting personal or professional relationship with any client of the program to whom the volunteer might be assigned;
- d) the volunteer agrees to maintain the appropriate driver's license and statutorily required insurance coverage if the volunteer is to be acting as a driver for eligible adults; and
- e) the volunteer agrees to abide by all statutory law, administrative rules, Departmental policies, and elder abuse provider agency policies that apply to and govern the elder abuse provider agency.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 270.300 Activities and Supervision

- a) The elder abuse provider agency shall assign volunteers and provide supervision of each volunteer according to the Volunteer Plan. Each volunteer shall have an individualized Activity Plan, which shall include a job description of the specific assignment of the volunteer.
- b) A copy of the Activity Plan for each volunteer shall be maintained in the records of the elder abuse provider agency.
- c) Each individualized Activity Plan shall include a record of all the training, assignments, activities, supervision, and evaluations of the volunteer.

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- d) The Volunteer Plan shall be available for inspection and copying by law enforcement agencies, the Regional Administrative Agency, and the Department on Aging.
- e) The individual Activity Plans shall be available for inspection and copying by law enforcement agencies in the course of conducting a criminal investigation, and by the Department and appropriate Regional Administrative Agency (with redactions of identifying client information as necessary to maintain confidentiality) for monitoring and supervisory purposes.

(Source: Added at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Numbers: Adopted Action:
250.310 Amend
250.330 Amend
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) Effective Date of Rulemaking: November 23, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 18, 2010; 34 Ill. Reg. 8005
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
250.130	Amend	October 1, 2010; 34 Ill. Reg. 13748
250.260	Amend	October 1, 2010; 34 Ill. Reg. 13748
250.1030	Amend	October 1, 2010; 34 Ill. Reg. 13748
250.1320	Amend	October 1, 2010; 34 Ill. Reg. 13748
250.160	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.1910	Amend	October 8, 2010; 34 Ill. Reg. 15127

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250.1980	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2450	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2460	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2470	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2480	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2490	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2500	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2610	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2620	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2630	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2640	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2650	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2660	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2670	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2680	Amend	October 8, 2010; 34 Ill. Reg. 15127

- 15) Summary and Purpose of the Rulemaking: The Hospital Licensing Requirements regulate hospitals, including establishing minimum requirements for the organization of the medical staff and due process for when a physician's privileges or staff membership must be suspended or revoked. Part 250 also establishes minimum standards for written and oral orders for medication, treatments, and diagnostic tests, including exceptions for influenza and pneumococcal vaccines.

Public Act 96-0445, enacted by the General Assembly in 2009, amends the Hospital Licensing Act to require, when a hospital or its medical staff imposes a summary suspension on a physician, the staff's governance committee to meet as soon as possible to review the suspension and recommend whether it should be affirmed, lifted, expunged, or modified. It also forbids a summary suspension from being implemented without actual documentation or other reliable information that an immediate danger exists. The Public Act also adds provisions regarding peer review.

Public Act 96-0343, enacted by the General Assembly in 2009, requires that a hospital's staff-approved medical approval policy include procedures for identifying patients who are aged 65 years or older, procedures for offering flu vaccines "when available" between September 1 and April 1 and pneumococcal vaccines upon admission or discharge to patients who are aged 65 or older, and procedures to ensure that patients or their guardians receive information on the risks and benefits of vaccines. Hospitals also are required to provide a copy of the influenza and pneumococcal immunization policy to the Department upon request.

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This rulemaking implemented both PA 96-0445 and PA 96-0343.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

- 250.110 Application for and Issuance of Permit to Establish a Hospital
- 250.120 Application for and Issuance of a License to Operate a Hospital
- 250.130 Administration by the Department
- 250.140 Hearings
- 250.150 Definitions
- 250.160 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section

- 250.210 The Governing Board
- 250.220 Accounting
- 250.230 Planning
- 250.240 Admission and Discharge
- 250.250 Visiting Rules
- 250.260 Patients' Rights
- 250.265 Language Assistance Services
- 250.270 Manuals of Procedure
- 250.280 Agreement with Designated Organ Procurement Agencies
- 250.285 Smoking Restrictions
- 250.290 Safety Alert Notifications

SUBPART C: THE MEDICAL STAFF

Section

- 250.310 Organization
- 250.315 House Staff Members
- 250.320 Admission and Supervision of Patients
- 250.330 Orders for Medications and Treatments

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250.340 Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section

250.410 Organization
250.420 Personnel Records
250.430 Duty Assignments
250.435 Health Care Worker Background Check
250.440 Education Programs
250.450 Personnel Health Requirements
250.460 Benefits

SUBPART E: LABORATORY

Section

250.510 Laboratory Services
250.520 Blood and Blood Components
250.525 Designated Blood Donor Program
250.530 Proficiency Survey Program (Repealed)
250.540 Laboratory Personnel (Repealed)
250.550 Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

Section

250.610 General Diagnostic Procedures and Treatments
250.620 Radioactive Isotopes
250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section

250.710 Classification of Emergency Services
250.720 General Requirements
250.725 Notification of Emergency Personnel
250.730 Community or Areawide Planning
250.740 Disaster and Mass Casualty Program
250.750 Emergency Services for Sexual Assault Victims

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SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section

250.810	Applicability of Other Parts of These Requirements
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services
250.890	Animal-Assisted Therapy

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section

250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning
250.940	Job descriptions
250.950	Nursing committees
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1035	Domestic Violence Standards
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control

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- 250.1110 Mandatory Overtime Prohibition
- 250.1120 Staffing Levels
- 250.1130 Nurse Staffing by Patient Acuity

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section

- 250.1210 Surgery
- 250.1220 Surgery Staff
- 250.1230 Policies & Procedures
- 250.1240 Surgical Privileges
- 250.1250 Surgical Emergency Care
- 250.1260 Operating Room Register and Records
- 250.1270 Surgical Patients
- 250.1280 Equipment
- 250.1290 Safety
- 250.1300 Operating Room
- 250.1305 Visitors in Operating Room
- 250.1310 Cleaning of Operating Room
- 250.1320 Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

Section

- 250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section

- 250.1510 Medical Records
- 250.1520 Reports

SUBPART M: FOOD SERVICE

Section

- 250.1610 Dietary Department Administration
- 250.1620 Facilities
- 250.1630 Menus and Nutritional Adequacy
- 250.1640 Diet Orders

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250.1650	Frequency of Meals
250.1660	Therapeutic (Modified) Diets
250.1670	Food Preparation and Service
250.1680	Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section

250.1710	Housekeeping
250.1720	Garbage, Refuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
250.1740	Laundry Service
250.1750	Soiled Linen
250.1760	Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section

250.1810	Applicability of other Parts of these regulations
250.1820	Maternity and Neonatal Service (Perinatal Service)
250.1830	General Requirements for All Maternity Departments
250.1840	Discharge of Newborn Infants from Hospital
250.1850	Rooming-In Care of Mother and Infant
250.1860	Special Programs
250.1870	Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE,
EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION,
PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section

250.1910	Maintenance
250.1920	Emergency electric service
250.1930	Water Supply
250.1940	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950	Grounds and Buildings Shall be Maintained
250.1960	Sewage, Garbage, Solid Waste Handling and Disposal
250.1970	Plumbing
250.1980	Fire and Safety

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SUBPART Q: CHRONIC DISEASE HOSPITALS

Section

- 250.2010 Definition
- 250.2020 Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section

- 250.2110 Service Requirements
- 250.2120 Personnel Required
- 250.2130 Facilities for Services
- 250.2140 Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section

- 250.2210 Applicability of other Parts of these Regulations
- 250.2220 Establishment of a Psychiatric Service
- 250.2230 The Medical Staff
- 250.2240 Nursing Service
- 250.2250 Allied Health Personnel
- 250.2260 Staff and Personnel Development and Training
- 250.2270 Admission, Transfer and Discharge Procedures
- 250.2280 Care of Patients
- 250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
- 250.2300 Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section

- 250.2410 Applicability of these Standards
- 250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility
- 250.2430 Preparation of Drawings and Specifications – Submission Requirements
- 250.2440 General Hospital Standards
- 250.2442 Fees

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250.2443	Advisory Committee
250.2450	Details
250.2460	Finishes
250.2470	Structural
250.2480	Mechanical
250.2490	Plumbing and Other Piping Systems
250.2500	Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section	
250.2610	Applicability of these Standards
250.2620	Codes and Standards
250.2630	Existing General Hospital Standards
250.2640	Details
250.2650	Finishes
250.2660	Mechanical
250.2670	Plumbing and Other Piping Systems
250.2680	Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section	
250.2710	Special Care and/or Special Service Units
250.2720	Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section	
250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
250.2830	Classification and Definitions of Service and Programs
250.2840	General Requirements for all Hospital Alcoholism Program Classifications
250.2850	The Medical and Professional Staff
250.2860	Medical Records
250.2870	Referral
250.2880	Client Legal and Human Rights

250.APPENDIX A	Codes and Standards (Repealed)
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250.EXHIBIT A	Codes (Repealed)
250.EXHIBIT B	Standards (Repealed)
250.EXHIBIT C	Addresses of Sources (Repealed)
250.ILLUSTRATION A	Seismic Zone Map
250.TABLE A	Measurements Essential for Level I, II, III Hospitals
250.TABLE B	Sound Transmission Limitations in General Hospitals
250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
250.TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
250.TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995;

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emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 34 Ill. Reg. 19031, effective November 17, 2010; amended at 34 Ill. Reg. 19158, effective November 23, 2010.

SUBPART C: THE MEDICAL STAFF

Section 250.310 Organization

- a) The medical staff shall be organized in accordance with written bylaws, rules and regulations; approved by the ~~governing board~~**Governing Board**. The bylaws, rules and regulations shall specifically provide but not be limited to:
 - 1) establishing written procedures relating to the acceptance and processing of initial applications for medical staff membership, granting and denying of medical staff reappointment, and medical staff membership or clinical privileges disciplinary matters in accordance with subsection (b) of this Section for county hospitals as defined in Section 15-1(c) of the Illinois Public Aid Code [305 ILCS 5/15-1], or subsection (c) of this Section for all other hospitals. The procedures for initial applicants at any particular hospital may differ from those for current medical staff members. However, the procedures at any particular hospital shall be applied equally to each practitioner eligible for medical staff membership as defined in Section 250.150 of this Part. The procedures shall provide that, *prior to*

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the granting of any medical staff privileges to an applicant, or renewing a current medical staff member's privileges, the hospital shall request of the Director of the Department of Financial and Professional Regulation information concerning the licensure status and any disciplinary action taken against the applicant's or medical staff member's license. This provision shall not apply to medical personnel who enter a hospital to obtain organs and tissues for transplant from a deceased donor in accordance with the Illinois Anatomical Gift Act [755 ILCS 50]. This provision shall not apply to medical personnel who have been granted disaster privileges pursuant to the procedures and requirements established in this Section. (Section 10.4 of the Act);

- 2) identifying divisions and departments as are warranted (as a minimum, active and consulting divisions are required);
- 3) identifying officers as are warranted;
- 4) establishing committees as are warranted to assure the responsibility for such functions as pharmacy and therapeutics, infection control, utilization review, patient care evaluation, and the maintenance of complete medical records;
- 5) assuring that active medical staff meetings are held regularly, and that written minutes of all meetings are kept;
- 6) reviewing and analyzing the clinical experience of the hospital at regular intervals – the medical records of patients to be the basis for such review and analysis;
- 7) identifying conditions or situations ~~that~~^{which} require consultation, including consultation between medical staff members in complicated cases;
- 8) examining ~~of~~ tissue removed during operations by a qualified pathologist and requiring that the findings are made a part of the patient's medical record;
- 9) keeping completed medical records;

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- 10) maintaining a Utilization Review Plan, which shall be in accordance with the Conditions of Participation for Hospitals in the Medicare Program;
- 11) establishing Medical Care Evaluation Studies;
- 12) establishing policies requiring a physician as first assistant to major and/or hazardous surgery, including written criteria to determine when an assistant is necessary;
- 13) assuring, through credentialing by the medical staff, that a qualified surgical assistant, whether a physician or non-physician, assists the operating surgeon in the operating room;
- 14) determining additional privileges that may be granted a staff member for the use of his/her employed allied health personnel in the hospital in accordance with policies and procedures recommended by the medical staff and approved by the governing authority. The policies and procedures shall include, at least, requirements that the staff member requesting this additional privilege shall submit for review and approval by the medical staff and the governing authority of the hospital:
 - A) a curriculum vitae of the identified allied health personnel, and
 - B) a written protocol with a description of the duties, assignments and/or functions, including a description of the manner of performance within the hospital by the allied health personnel in relationship with other hospital staff;
- 15) establishing a mechanism for assisting medical staff members in addressing physical and mental health problems;
- 16) implementing a procedure for preserving medical staff credentialing files in the event of the closure of the hospital; and
- 17) establishing a procedure for granting disaster privileges.
 - A) When the emergency management plan has been activated and the hospital is unable to handle patients' immediate needs, it shall:

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- i) identify in writing the individuals responsible for granting disaster privileges;
 - ii) describe in writing the responsibilities of the individuals granting disaster privileges. The responsible individual is not required to grant privileges to any individual and is expected to make such decisions on a case-by-case basis at his or her discretion;
 - iii) describe in writing a mechanism to manage individuals who receive disaster privileges;
 - iv) include a mechanism to allow staff to readily identify individuals who receive disaster privileges;
 - v) require that medical staff address the verification process as a high priority and begin the verification process of the credentials and privileges of individuals who receive disaster privileges as soon as the immediate situation is under control.
- B) The individual responsible for granting disaster privileges may grant disaster privileges upon presentation of any of the following:
- i) a current picture hospital ID card;
 - ii) a current license to practice and a valid picture ID issued by a state, federal or regulatory agency;
 - iii) identification indicating that the individual is a member of a Disaster Medical Assistance Team (DMAT) or an Illinois Medical Emergency Response Team (IMERT);
 - iv) identification indicating that the individual has been granted authority to render patient care, treatment and services in disaster circumstances (such authority having been granted by a federal, state or municipal entity); or

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- v) presentation by current hospital or medical staff members with personal knowledge regarding practitioner's identity.
 - C) *Any hospital and any employees of the hospital or others involved in granting privileges that, in good faith, grants disaster privileges pursuant to Section 10.4 of the Act to respond to an emergency shall not, as a result of his, her, or its acts or omissions, be liable for civil damages for granting or denying disaster privileges except in the event of willful and wanton misconduct, as that term is defined in Section 10.2 of the Act.*
 - D) *Individuals granted privileges who provide care in an emergency situation, in good faith and without direct compensation, shall not, as a result of his or her acts or omissions, except for acts or omissions involving willful and wanton misconduct, as that term is defined in Section 10.2 of the Act, on the part of the person, be liable for civil damages. (Section 10.4 of the Act)*
- b) The medical staff bylaws for county hospitals as defined in Section 15-1(c) of the Illinois Public Aid Code shall include at least the following:
- 1) The procedures relating to evaluating individuals for staff membership, whether the practitioners are or are not currently members of the medical staff, shall include procedures for determination of qualifications and privileges, criteria for evaluation of qualifications, and procedures requiring information about current health status, current license status in Illinois, and biennial review of renewed license.
 - 2) The procedure shall grant to current medical staff members at least: written notice of an adverse decision by the Governing Board; an explanation and reasons for an adverse decision; the right to examine and/or present copies of relevant information, if any, related to an adverse decision; an opportunity to appeal an adverse decision; and written notice of the decision resulting from the appeal. The procedures for providing written notice shall include timeframes for giving such notice.
- c) The medical staff bylaws for *all hospitals except county ~~hospitals~~hospital* shall include at least the following *provisions for granting, limiting, renewing, or denying medical staff membership and clinical staff privileges*:

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- 1) *Minimum procedures for initial applicants for medical staff membership shall include the following:*
 - A) *Written procedures relating to the acceptance and processing of initial applicants for medical staff membership.*
 - B) *Written procedures to be followed in determining an applicant's qualifications for being granted medical staff membership and privileges.*
 - C) *Written criteria to be followed in evaluating an applicant's qualifications.*
 - D) *An evaluation of an applicant's current health status and current license status in Illinois.*
 - E) *A written response to each applicant that explains the reason or reasons for any adverse decision (including all reasons based in whole or in part on the applicant's medical qualifications or any other basis, including economic factors).*

- 2) *Minimum procedures with respect to medical staff and clinical privilege determinations concerning current members of the medical staff shall include the following:*
 - A) *A written explanation of the reasons for an adverse decision including all reasons based on the quality of medical care or any other basis, including economic factors.*
 - B) *A statement of the medical staff member's right to request a fair hearing on the adverse decision before a hearing panel whose membership is mutually agreed upon by the medical staff and the hospital governing board~~Hospital Governing Board~~. The hearing panel shall have independent authority to recommend action to the hospital governing board~~Hospital Governing Board~~. Upon the request of the medical staff member or the hospital governing board~~Hospital Governing Board~~, the hearing panel shall make findings concerning the nature of each basis for any adverse*

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decision recommended to and accepted by the hospital governing board~~Hospital Governing Board~~.

- i) *Nothing in subsection (c)(2)(B) of this Section limits a hospital's or medical staff's right to summarily suspend, without a prior hearing, a person's medical staff membership or clinical privileges if the continuation of practice of a medical staff member constitutes an immediate danger to the public, including patients, visitors, and hospital employees and staff. ~~A fair hearing shall be commenced within 15 days after the suspension and completed without delay.~~*
- ii) *In the event that a hospital or the medical staff imposes a summary suspension, the Medical Executive Committee, or other comparable governance committee of the medical staff as specified in the bylaws, must meet as soon as is reasonably possible to review the suspension and to recommend whether it should be affirmed, lifted, expunged, or modified if the suspended physician requests such review.*
- iii) *A summary suspension may not be implemented unless there is actual documentation or other reliable information that an immediate danger exists. This documentation or information must be available at the time the summary suspension decision is made and when the decision is reviewed by the Medical Executive Committee.*
- iv) *If the Medical Executive Committee recommends that the summary suspension should be lifted, expunged, or modified, this recommendation must be reviewed and considered by the hospital governing board, or a committee of the board, on an expedited basis.*
- v) *Nothing in this subsection (c)(2)(B) shall affect the requirement that any requested hearing must be commenced within 15 days after the summary suspension and completed without delay unless otherwise agreed to by*

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the parties.

vi) A fair hearing shall be commenced within 15 days after the suspension and completed without delay, except that, when the medical staff member's license to practice has been suspended or revoked by the Department of Financial and Professional Regulation, no hearing shall be necessary.

vii) ~~ii)~~ *Nothing in subsection (c)(2)(B) of this Section limits a medical staff's right to permit, in the medical staff bylaws, summary suspension of membership or clinical privileges in designated administrative circumstances as specifically approved by the medical staff. This bylaw provision must specifically describe both the administrative circumstance that can result in a summary suspension and the length of the summary suspension. The opportunity for a fair hearing is required for any administrative summary suspension. Any requested hearing must be commenced within 15 days after the summary suspension and completed without delay. Adverse decisions other than suspension or other restrictions on the treatment or admission of patients may be imposed summarily and without a hearing under designated administrative circumstances as specifically provided for in the medical staff bylaws as approved by the medical staff.*

viii) ~~iii)~~ *If a hospital exercises its option to enter into an exclusive contract and that contract results in the total or partial termination or reduction of medical staff membership or clinical privileges of a current medical staff member, the hospital shall provide the affected medical staff member 60 days prior notice of the effect on his or her medical staff membership or privileges. An affected medical staff member desiring a hearing under subsection (c)(2)(B) of this Section must request the hearing within 14 days after the date he or she is so notified. The requested hearing shall be commenced and completed (with a report and recommendation to the affected medical staff member, hospital governing board~~Hospital Governing Board~~, and*

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medical staff) within 30 days after the date of the medical staff member's request. If agreed upon by both the medical staff and the ~~hospital governing board~~Hospital Governing Board, the medical staff bylaws may provide for longer time periods.

- C) All peer review used for the purpose of credentialing, privileging, disciplinary action, or other recommendations affecting medical staff membership or exercise of clinical privileges, whether relying in whole or in part on internal or external reviews, shall be conducted in accordance with the medical staff bylaws and applicable rules, regulations, or policies of the medical staff. If external review is obtained, any adverse report utilized shall be in writing and shall be made part of the internal peer review process under the bylaws. The report shall also be shared with a medical staff peer review committee and the individual under review. If the medical staff peer review committee or the individual under review prepares a written response to the report of the external peer review within 30 days after receiving such report, the governing board shall consider the response prior to the implementation of any final actions by the governing board which may affect the individual's medical staff membership or clinical privileges. Any peer review that involves willful or wanton misconduct shall be subject to civil damages as provided for under Section 10.2 of the Act.
- D)~~C)~~ A statement of the member's right to inspect all pertinent information in the hospital's possession with respect to the decision.
- E)~~D)~~ A statement of the member's right to present witnesses and other evidence at the hearing on the decision.
- F)~~E)~~ A written notice and written explanation of the decision resulting from the hearings.
- G)~~F)~~ A written notice of a final~~a final~~ adverse decision by the Hospital Governing Board.

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~~HG~~ *Notice given 15 days before implementation of an adverse medical staff membership or clinical privileges decision based substantially on economic factors. This notice shall be given after the medical staff member exhausts all applicable procedures under subsection (c)(2)(B)(~~viii~~) of this Section, and under the medical staff bylaws in order to allow sufficient time for the orderly provision of patient care.*

~~DH~~ *Nothing in subsection (c)(2) of this Section limits a medical staff member's right to waive, in writing, the rights provided in subsection (c)(2)(A)-(HG) of this Section upon being granted the written exclusive right to provide particular services at a hospital, either individually or as a member of a group. If an exclusive contract is signed by a representative of a group of physicians, a waiver contained in the contract shall apply to all members of the group unless stated otherwise in the contract. (Section 10.4(b) of the Act)*

3) *Every adverse medical staff membership and clinical privilege decision based substantially on economic factors shall be reported to the Hospital Licensing Board before the decision takes effect. The reports shall not be disclosed in any form that reveals the identity of any hospital or physician. These reports shall be utilized to study the effects that hospital medical staff membership and clinical privilege decisions based upon economic factors have on access to care and the availability of physician services. (Section 10.4(b) of the Act)*

d) Regardless of any other categories (divisions of the medical staff) having privileges in the hospital, there shall be an active staff, which ~~shall~~~~must~~ include physicians and may also include podiatrists and dentists, properly organized, ~~whowhich~~ perform all the organizational duties pertaining to the medical staff. These duties include:

- 1) Maintenance of the proper quality of all medical care and treatment of inpatients and outpatients in the hospital. Proper quality of medical care and treatment includes:
 - A) availability and use of accurate diagnostic testing for the types of patients admitted;

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- B) availability and use of medical, surgical, and psychiatric treatment for patients admitted;
 - C) availability and use of consultation, diagnostic tools and treatment modalities for the care of patients admitted including the care needed for complications ~~that~~^{which} may be expected to occur; ~~and~~
 - D) availability and performance of auxiliary and associate staff with documented training and experience in diagnostic and treatment modalities in use by the medical staff and documented training and experience in managing complications ~~that~~^{which} may be expected to occur.
- 2) Organization of the medical staff, including adoption of rules and regulations for its government (which require the approval of the governing body), election of its officers or recommendations to the governing body for appointment of the officers, and recommendations to the governing body upon all appointments to the staff and grants of hospital privileges.
 - 3) Other recommendations to the governing body regarding matters within the purview of the medical staff.
- e) The medical staff may include one or more divisions in addition to the active staff, but this in no way modifies the duties and responsibilities of the active staff.
 - f) For the purpose of this Section only:
 - 1) *Adverse decision means a decision reducing, restricting, suspending, revoking, denying, or not renewing medical staff membership or clinical privileges.*
 - 2) *Economic factor means any information or reasons for decisions unrelated to quality of care or professional competency.*
 - 3) *Privilege means permission to provide medical or other patient care services and permission to use hospital resources, including equipment, facilities and personnel that are necessary to effectively provide medical*

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or other patient care services. This definition shall not be construed to require a hospital to acquire additional equipment, facilities, or personnel to accommodate the granting of privileges. (Section 10.4(b) of the Act)

(Source: Amended at 34 Ill. Reg. 19158, effective November 23, 2010)

Section 250.330 Orders for Medications and Treatments

- a) No medication, treatment or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff, a house staff member under the supervision of a member of the medical staff, or allied health personnel with clinical privileges recommended by the hospital medical staff and granted by the hospital governing **boardbody**, with the exception of influenza and pneumococcal polysaccharide vaccines, which may be administered per medical staff-approved hospital policy that includes an assessment for contraindications.
- 1) The staff-approved influenza and pneumococcal immunization policy shall include but not be limited to the following:
 - A) Procedures for identifying patients age 65 or older and, at the discretion of the hospital, other patients at risk;
 - B) Procedures for offering immunization against influenza virus when available between September 1 and April 1, and against pneumococcal disease upon admission or discharge, to patients age 65 or older, unless contraindicated; and
 - C) Procedures for ensuring that patients offered immunization, or their guardians, receive information regarding the risks and benefits of vaccination.
 - 2) The hospital shall provide a copy of its influenza and pneumococcal immunization policy to the Department upon request. (Section 6.25 of the Act)
- b) Verbal orders shall be signed before the member of the medical staff, the house staff member or allied health personnel with clinical privileges recommended by the hospital medical staff and granted by the hospital governing **boardbody** leaves the area. Telephone orders shall be used sparingly and countersigned as soon as

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practicable pursuant to a hospital policy approved by the medical staff.

- | ~~c)~~ Members of the Medical Staff, house staff members or allied health personnel
| with clinical privileges recommended by the hospital medical staff and granted by
| the hospital governing ~~board~~~~body~~ shall give orders for medication and treatment
| only to the licensed, registered or certified professional persons who are
| authorized by law to administer or dispense the medication or treatment in the
| course of practicing their identified specific discipline.

- | ~~d)~~ The medical directors of the laboratory, radiology or other diagnostic services
| may respectively authorize the performance of diagnostic tests and procedures at
| the request of other than members of the medical staff in accordance with policies
| approved by the medical staff and ~~governing board~~~~Board~~.

- | ~~e)~~ The medical director of the physical therapy or rehabilitation department may
| authorize the provision of physical therapy or rehabilitation services or treatments
| at the request of other than members of the medical staff in accordance with
| policies approved by the medical staff and ~~governing board~~~~Board~~.

(Source: Amended at 34 Ill. Reg. 19158, effective November 23, 2010)

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- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Number: 300.670 Adopted Action:
Amend
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rulemaking: November 23, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 28, 2010; 34 Ill. Reg. 7445
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
300.340	Amend	34 Ill. Reg. 7035; May 21, 2010
300.2920	Amend	34 Ill. Reg. 7035; May 21, 2010
300.3120	Amend	34 Ill. Reg. 7035; May 21, 2010
300.3220	Amend	34 Ill. Reg. 7035; May 21, 2010
300.120	Amend	34 Ill. Reg. 18104; November 29, 2010
300.165	Amend	34 Ill. Reg. 18104; November 29, 2010
300.170	Amend	34 Ill. Reg. 18104; November 29, 2010

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300.175	Amend	34 Ill. Reg. 18104; November 29, 2010
300.180	Amend	34 Ill. Reg. 18104; November 29, 2010
300.220	Amend	34 Ill. Reg. 18104; November 29, 2010
300.274	Amend	34 Ill. Reg. 18104; November 29, 2010
300.277	Amend	34 Ill. Reg. 18104; November 29, 2010
300.278	Amend	34 Ill. Reg. 18104; November 29, 2010
300.282	Amend	34 Ill. Reg. 18104; November 29, 2010
300.284	Repeal	34 Ill. Reg. 18104; November 29, 2010
300.286	Amend	34 Ill. Reg. 18104; November 29, 2010
300.330	Amend	34 Ill. Reg. 18104; November 29, 2010
300.615	Amend	34 Ill. Reg. 18104; November 29, 2010
300.624	Repeal	34 Ill. Reg. 18104; November 29, 2010
300.625	Amend	34 Ill. Reg. 18104; November 29, 2010
300.626	Amend	34 Ill. Reg. 18104; November 29, 2010
300.627	Amend	34 Ill. Reg. 18104; November 29, 2010
300.651	New	34 Ill. Reg. 18104; November 29, 2010
300.840	Amend	34 Ill. Reg. 18104; November 29, 2010
300.1040	New	34 Ill. Reg. 18104; November 29, 2010
300.1210	Amend	34 Ill. Reg. 18104; November 29, 2010
300.3300	Amend	34 Ill. Reg. 18104; November 29, 2010
300.4020	Amend	34 Ill. Reg. 18104; November 29, 2010
300.6020	Amend	34 Ill. Reg. 18104; November 29, 2010

- 15) Summary and Purpose of the Rulemaking: Part 300 regulates skilled nursing and intermediate care facilities, including the minimum standards for disaster preparedness, such as written plans for staff to follow, evacuating residents, fire drills, and reporting disasters to the Department.

Section 300.670 (Disaster Preparedness) was amended to add minimum requirements for facilities to coordinate with local health authorities and emergency management agencies. Traditionally, facilities have conducted disaster preparedness independently of local health or emergency management authorities. These amendments will make working together easier for facilities and local authorities and will result in a better allocation of limited resources if a disaster occurs, with the safety of residents as the primary objective.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Susan Meister
Division of Legal Services

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Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

The full text of the Adopted Amendment begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties

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300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
300.510	Administrator

SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening and Request for Resident Criminal History Record Information
300.620	Admission, Retention and Discharge Policies
300.624	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
300.625	Identified Offenders
300.626	Discharge Planning for Identified Offenders
300.627	Transfer of an Identified Offender
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
300.662	Resident Attendants
300.663	Registry of Certified Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness
300.680	Restraints
300.682	Nonemergency Use of Physical Restraints
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300.686	Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690	Incidents and Accidents
300.695	Contacting Local Law Enforcement
300.696	Infection Control

SUBPART D: PERSONNEL

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300.810	General
300.820	Categories of Personnel
300.830	Consultation Services
300.840	Personnel Policies

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300.1010	Medical Care Policies
300.1020	Communicable Disease Policies
300.1025	Tuberculin Skin Test Procedures
300.1030	Medical Emergencies
300.1035	Life-Sustaining Treatments
300.1040	Behavior Emergencies (Repealed)
300.1050	Dental Standards
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SUBPART F: NURSING AND PERSONAL CARE

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300.1230	Staffing
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- 300.1440 Volunteer Program
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- 300.1610 Medication Policies and Procedures
- 300.1620 Compliance with Licensed Prescriber's Orders
- 300.1630 Administration of Medication
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- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
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- 300.1860 Staff Responsibility for Medical Records
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- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Meal Planning
- 300.2060 Therapeutic Diets (Repealed)
- 300.2070 Scheduling Meals
- 300.2080 Menus and Food Records
- 300.2090 Food Preparation and Service
- 300.2100 Food Handling Sanitation
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Section

- 300.2210 Maintenance
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SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 300.2410 Furnishings
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SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section

- 300.2610 Codes
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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
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Section

- 300.2810 Applicability of these Standards
- 300.2820 Codes and Standards
- 300.2830 Preparation of Drawings and Specifications
- 300.2840 Site
- 300.2850 Administration and Public Areas
- 300.2860 Nursing Unit
- 300.2870 Dining, Living, Activities Rooms
- 300.2880 Therapy and Personal Care
- 300.2890 Service Departments
- 300.2900 General Building Requirements
- 300.2910 Structural
- 300.2920 Mechanical Systems
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300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

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300.3010 Applicability
300.3020 Codes and Standards
300.3030 Preparation of Drawings and Specifications
300.3040 Site
300.3050 Administration and Public Areas
300.3060 Nursing Unit
300.3070 Living, Dining, Activities Rooms
300.3080 Treatment and Personal Care
300.3090 Service Departments
300.3100 General Building Requirements
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300.3120 Mechanical Systems
300.3130 Plumbing Systems
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300.3210 General
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300.3230 Restraints (Repealed)
300.3240 Abuse and Neglect
300.3250 Communication and Visitation
300.3260 Resident's Funds
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300.3410	Application of Other Sections of These Minimum Standards (Repealed)
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300.3430	Policies (Repealed)
300.3440	Personnel (Repealed)
300.3450	Resident Living Services Medical and Dental Care (Repealed)
300.3460	Resident Services Program (Repealed)
300.3470	Psychological Services (Repealed)
300.3480	Social Services (Repealed)
300.3490	Recreational and Activities Services (Repealed)
300.3500	Individual Treatment Plan (Repealed)
300.3510	Health Services (Repealed)
300.3520	Medical Services (Repealed)
300.3530	Dental Services (Repealed)
300.3540	Optometric Services (Repealed)
300.3550	Audiometric Services (Repealed)
300.3560	Podiatric Services (Repealed)
300.3570	Occupational Therapy Services (Repealed)
300.3580	Nursing and Personal Care (Repealed)
300.3590	Resident Care Services (Repealed)
300.3600	Record Keeping (Repealed)
300.3610	Food Service (Repealed)
300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
300.3630	Design and Construction Standards (New and Existing Facilities) (Repealed)

SUBPART R: DAYCARE PROGRAMS

Section

300.3710	Day Care in Long-Term Care Facilities
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SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

300.4000	Applicability of Subpart S
300.4010	Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4020	Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S

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- 300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4040 General Requirements for Facilities Subject to Subpart S
- 300.4050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
- 300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4070 Work Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4080 Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF
PUBLIC AID'S DEMONSTRATION PROGRAM FOR PROVIDING
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

- 300.6000 Applicability of Subpart T
- 300.6005 Quality Assessment and Improvement for Facilities Subject to Subpart T
- 300.6010 Comprehensive Assessments for Residents of Facilities Subject to Subpart T
- 300.6020 Reassessments for Residents of Facilities Subject to Subpart T
- 300.6030 Individualized Treatment Plan for Residents of Facilities Subject to Subpart T
- 300.6040 General Requirements for Facilities Subject to Subpart T
- 300.6045 Serious Incidents and Accidents in Facilities Subject to Subpart T
- 300.6047 Medical Care Policies for Facilities Subject to Subpart T
- 300.6049 Emergency Use of Restraints for Facilities Subject to Subpart T
- 300.6050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart T
- 300.6060 Discharge Plans for Residents of Facilities Subject to Subpart T
- 300.6070 Work Programs for Residents of Facilities Subject to Subpart T
- 300.6080 Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T
- 300.6090 Personnel for Providing Services to Residents of Facilities Subject to Subpart T
- 300.6095 Training and Continuing Education for Facilities Subject to Subpart T

SUBPART U: ALZHEIMER'S SPECIAL CARE UNIT OR CENTER PROVIDING
CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIA

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300.7000	Applicability
300.7010	Admission Criteria
300.7020	Assessment and Care Planning
300.7030	Ability-Centered Care
300.7040	Activities
300.7050	Staffing
300.7060	Environment
300.7070	Quality Assessment and Improvement
300.7080	Variances to Enhance Residents' Quality of Life
300.APPENDIX A	Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed)
300.APPENDIX B	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
300.APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
300.APPENDIX D	Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
300.APPENDIX F	Guidelines for the Use of Various Drugs
300.APPENDIX G	Facility Report
300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
300.TABLE D	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983;

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amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective

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November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill. Reg. 19182, effective November 23, 2010.

SUBPART C: POLICIES

Section 300.670 Disaster Preparedness

- a) For the purpose of this Section only, "disaster" means an occurrence, as a result of a natural force or mechanical failure such as water, wind or fire, or a lack of essential resources such as electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the facility.
- b) Each facility shall have policies covering disaster preparedness, including a written plan for staff, residents and others to follow. The plan shall include, but not be limited to, the following:
 - 1) ~~Proper instruction in the use of fire extinguishers for all~~ All personnel employed on the premises; ~~shall be properly instructed in the use of fire extinguishers.~~
 - 2) A diagram of the evacuation route, which shall be posted and made familiar to all personnel employed on the premises; ~~;~~
 - 3) A written plan ~~shall be developed~~ for moving residents to safe locations within the facility in the event of a tornado warning or severe thunderstorm warning; and ~~;~~
 - 4) ~~An~~ There shall be an established means of facility notification when the National Weather Service issues a tornado or severe thunderstorm warning that covers the area in which the facility is located. The notification

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mechanism ~~shall~~must be other than commercial radio or television. Approved notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the facility, or arrangements with local public safety agencies (police, fire, emergency management agency~~ESDA~~) to be notified if a warning is issued.

- c) Fire drills shall be held at least quarterly for each shift of facility personnel. Disaster drills for other than fire shall be held twice annually for each shift of facility personnel. Drills shall be held under varied conditions to:
- 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
 - 2) Ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility; and
 - 3) Evaluate the effectiveness of disaster plans and procedures.
- d) Fire drills shall include simulation of the evacuation of residents to safe areas during at least one drill each year on each shift.
- e) The facility shall provide~~There shall be special provisions~~ for the evacuation of physically handicapped persons, including those who are hearing or sight impaired.
- f) If~~Where~~ the welfare of the residents precludes an actual evacuation of an entire building, the facility shall conduct~~there must be~~ drills involving the evacuation of successive portions of the building under ~~such~~ conditions that~~as to~~ assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
- g) A written evaluation of each drill shall be submitted to the facility administrator and shall be maintained for one year.
- h) A written plan shall be developed for temporarily relocating the residents for any disaster requiring relocation and at any time that the temperature in residents' bedrooms falls below 55°F. for 12 hours or more.

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- i) Reporting of Disasters
- 1) Upon the occurrence of any disaster requiring hospital service, police, fire department or coroner, the facility administrator or designee ~~shall~~must provide a preliminary report to the Department either by using the nursing home hotline or by directly contacting the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:
- A) The name and location of the facility;
 - B) The type of disaster;
 - C) The number of injuries or deaths to residents;
 - D) The number of beds not usable due to the occurrence;
 - E) An estimate of the extent of damages to the facility;
 - F) The type of assistance needed, if any; and
 - G) A list of other State or local agencies notified about the problem.
- 2) If the disaster will not require direct Departmental assistance, the facility shall provide ~~at~~the preliminary report within 24 hours after the occurrence. Additionally, the facility shall submit a full written account to the Department within seven days after the occurrence, which includes the information specified in subsection (i)(1) of this Section and a statement of actions taken by the facility after the preliminary report.
- j) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents when the heat index/apparent temperature (see Section 300.Table D), as established by the National Oceanic and Atmospheric Administration, inside ~~the residents' living, dining, activities, or sleeping areas of~~ the facility exceeds ~~a heat index/apparent temperature of~~ 80°F.
- k) Coordination with Local Authorities

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- 1) Annually, each facility shall forward copies of all disaster policies and plans required under this Section to the local health authority and local emergency management agency having jurisdiction.
- 2) Annually, each facility shall forward copies of its emergency water supply agreements, required under Section 300.2610(b), to the local health authority and local emergency management agency having jurisdiction.
- 3) Each facility shall provide a description of its emergency source of electrical power, including the services connected to the source, to the local health authority and local emergency management agency having jurisdiction. The facility shall inform the local health authority and local emergency management agency at any time that the emergency source of power or services connected to the source are changed.
- 4) When requested by the local health authority and the local emergency management agency, the facility shall participate in emergency planning activities.

(Source: Amended at 34 Ill. Reg. 19182, effective November 23, 2010)

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- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) Section Number: 330.770 Adopted Action:
Amend
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rulemaking: November 23, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 28, 2010; 34 Ill. Reg. 7461
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
330.340	Amend	34 Ill. Reg. 7071; May 21, 2010
330.3170	Amend	34 Ill. Reg. 7071; May 21, 2010
330.3720	Amend	34 Ill. Reg. 7071; May 21, 2010
330.4220	Amend	34 Ill. Reg. 7071; May 21, 2010
330.120	Amend	34 Ill. Reg. 18201; November 29, 2010
330.165	Amend	34 Ill. Reg. 18201; November 29, 2010
330.170	Amend	34 Ill. Reg. 18201; November 29, 2010

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330.175	Amend	34 Ill. Reg. 18201; November 29, 2010
330.180	Amend	34 Ill. Reg. 18201; November 29, 2010
330.220	Amend	34 Ill. Reg. 18201; November 29, 2010
330.274	Amend	34 Ill. Reg. 18201; November 29, 2010
330.277	Amend	34 Ill. Reg. 18201; November 29, 2010
330.278	Amend	34 Ill. Reg. 18201; November 29, 2010
330.282	Amend	34 Ill. Reg. 18201; November 29, 2010
330.284	Repeal	34 Ill. Reg. 18201; November 29, 2010
330.286	Amend	34 Ill. Reg. 18201; November 29, 2010
330.330	Amend	34 Ill. Reg. 18201; November 29, 2010
330.715	Amend	34 Ill. Reg. 18201; November 29, 2010
330.724	Repeal	34 Ill. Reg. 18201; November 29, 2010
330.725	Amend	34 Ill. Reg. 18201; November 29, 2010
330.726	Amend	34 Ill. Reg. 18201; November 29, 2010
330.727	Amend	34 Ill. Reg. 18201; November 29, 2010
330.761	New	34 Ill. Reg. 18201; November 29, 2010
330.930	Amend	34 Ill. Reg. 18201; November 29, 2010
330.1140	Amend	34 Ill. Reg. 18201; November 29, 2010
330.4300	Amend	34 Ill. Reg. 18201; November 29, 2010

- 15) Summary and Purpose of the Rulemaking: Part 330 regulates sheltered care facilities, including the minimum standards for disaster preparedness, such as written plans for staff to follow, evacuating residents, fire drills, and reporting disasters to the Department.

Section 330.770 (Disaster Preparedness) was amended to add minimum requirements for facilities to coordinate with local health authorities and emergency management agencies. Traditionally, facilities have conducted disaster preparedness independently of local health or emergency management authorities. These amendments will make working together easier for facilities and local authorities and will result in a better allocation of limited resources if a disaster occurs, with the safety of residents as the primary objective.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Susan Meister
 Division of Legal Services
 Department of Public Health
 535 West Jefferson, Fifth Floor
 Springfield, Illinois 62761

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217/782-2043

e-mail: dph.rules@illinois.gov

The full text of the Adopted Amendment begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 330
SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.163	Alzheimer's Special Care Disclosure
330.165	Criteria for Adverse Licensure Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitoring and Receivership
330.271	Presentation of Findings
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties

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330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators (Repealed)
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.315	Supported Congregate Living Arrangement Demonstration
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
330.510	Administrator

SUBPART C: POLICIES

Section	
330.710	Resident Care Policies
330.715	Request for Resident Criminal History Record Information
330.720	Admission and Discharge Policies
330.724	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
330.725	Identified Offenders
330.726	Discharge Planning for Identified Offenders
330.727	Transfer of an Identified Offender
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
330.780	Incidents and Accidents
330.785	Contacting Local Law Enforcement
330.790	Infection Control
330.795	Language Assistance Services

SUBPART D: PERSONNEL

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Section

- 330.910 Personnel
- 330.911 Health Care Worker Background Check
- 330.913 Nursing and Personal Care Assistants (Repealed)
- 330.916 Student Interns (Repealed)
- 330.920 Consultation Services
- 330.930 Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section

- 330.1110 Medical Care Policies
- 330.1120 Personal Care
- 330.1125 Life Sustaining Treatments
- 330.1130 Communicable Disease Policies
- 330.1135 Tuberculin Skin Test Procedures
- 330.1140 Behavior Emergencies (Repealed)
- 330.1145 Restraints
- 330.1150 Emergency Use of Physical Restraints
- 330.1155 Unnecessary, Psychotropic, and Antipsychotic Drugs
- 330.1160 Vaccinations

SUBPART F: RESTORATIVE SERVICES

Section

- 330.1310 Activity Program
- 330.1320 Work Programs
- 330.1330 Written Policies for Restorative Services
- 330.1340 Volunteer Program

SUBPART G: MEDICATIONS

Section

- 330.1510 Medication Policies
- 330.1520 Administration of Medication
- 330.1530 Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

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Section

330.1710	Resident Record Requirements
330.1720	Content of Medical Records
330.1730	Records Pertaining to Residents' Property
330.1740	Retention and Transfer of Resident Records
330.1750	Other Resident Record Requirements
330.1760	Retention of Facility Records
330.1770	Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

330.1910	Director of Food Services
330.1920	Dietary Staff in Addition to Director of Food Services
330.1930	Hygiene of Dietary Staff
330.1940	Diet Orders
330.1950	Meal Planning
330.1960	Therapeutic Diets (Repealed)
330.1970	Scheduling of Meals
330.1980	Menus and Food Records
330.1990	Food Preparation and Service
330.2000	Food Handling Sanitation
330.2010	Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section

330.2210	Maintenance
330.2220	Housekeeping
330.2230	Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

330.2410	Furnishings
330.2420	Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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Section

330.2610	Codes
330.2620	Water Supply
330.2630	Sewage Disposal
330.2640	Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR
NEW SHELTERED CARE FACILITIES

Section

330.2810	Applicable Requirements (Repealed)
330.2820	Applicability of These Standards
330.2830	Submission of a Program Narrative
330.2840	New Constructions, Additions, Conversions, and Alterations
330.2850	Preparation and Submission of Drawings and Specifications
330.2860	First Stage Drawings
330.2870	Second Stage Drawings
330.2880	Architectural Drawings
330.2890	Structural Drawings
330.3000	Mechanical Drawings
330.3010	Electrical Drawings
330.3020	Additions to Existing Structures
330.3030	Specifications
330.3040	Building Codes
330.3050	Site
330.3060	General Building Requirements
330.3070	Administration
330.3080	Corridors
330.3090	Bath and Toilet Rooms
330.3100	Living, Dining, Activity Rooms
330.3110	Bedrooms
330.3120	Special Care Room
330.3130	Kitchen
330.3140	Laundry
330.3150	Housekeeping, Service, and Storage
330.3160	Plumbing
330.3170	Heating
330.3180	Electrical

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SUBPART N: FIRE PROTECTION STANDARDS FOR
NEW SHELTERED CARE FACILITIES

Section

330.3310	Applicable Requirements (Repealed)
330.3320	Applicability of These Standards
330.3330	Fire Protection
330.3340	Fire Department Service and Water Supply
330.3350	General Building Requirements
330.3360	Exit Facilities and Subdivision of Floor Areas
330.3370	Stairways, Vertical Openings, and Doorways
330.3380	Corridors
330.3390	Exit Lights and Directional Signs
330.3400	Hazardous Areas and Combustible Storage
330.3410	Fire Alarm and Detection System
330.3420	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.3430	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR
EXISTING SHELTERED CARE FACILITIES

Section

330.3610	Site
330.3620	General Building Requirements
330.3630	Administration
330.3640	Corridors
330.3650	Bath and Toilet Rooms
330.3660	Living, Dining, and Activity Rooms
330.3670	Bedrooms
330.3680	Special Care Room
330.3690	Kitchen
330.3700	Laundry Room
330.3710	Housekeeping and Service Rooms and Storage Space
330.3720	Plumbing and Heating
330.3730	Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR
EXISTING SHELTERED CARE FACILITIES

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Section

330.3910	Fire Protection
330.3920	Fire Department Service and Water Supply
330.3930	Occupancy and Fire Areas
330.3940	Exit Facilities and Subdivision of Floor Areas
330.3950	Stairways, Vertical Openings, and Doorways
330.3960	Exit and Fire Escape Lights and Directional Signs
330.3970	Hazardous Areas and Combustible Storage
330.3980	Fire Alarm and Detection System
330.3990	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.4000	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

Section

330.4210	General
330.4220	Medical and Personal Care Program
330.4230	Restraints (Repealed)
330.4240	Abuse and Neglect
330.4250	Communication and Visitation
330.4260	Resident's Funds
330.4270	Residents' Advisory Council
330.4280	Contract With Facility
330.4290	Private Right of Action
330.4300	Transfer or Discharge
330.4310	Complaint Procedures
330.4320	Confidentiality
330.4330	Facility Implementation

SUBPART R: DAY CARE PROGRAMS

Section

330.4510	Day Care in Long-Term Care Facilities
330.APPENDIX A	Interpretation, Components, and Illustrative Services for Sheltered Care Facilities (Repealed)
330.APPENDIX B	Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
330.APPENDIX C	Forms for Day Care in Long-Term Care Facilities

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- 330.APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation
(Repealed)
- 330.APPENDIX E Guidelines for the Use of Various Drugs
- 330.TABLE A Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. 4078, effective February 13, 1998; amended at 22 Ill. Reg. 7203, effective April 15, 1998; amended at 22 Ill. Reg. 16594, effective September 18, 1998; amended at 23 Ill. Reg. 1085, effective January 15, 1999; amended at 23 Ill. Reg. 8064, effective July 15, 1999; amended at 24 Ill. Reg. 17304, effective November 1, 2000; amended at 25 Ill. Reg. 4901, effective April 1,

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2001; amended at 26 Ill. Reg. 4859, effective April 1, 2002; amended at 26 Ill. Reg. 10559, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2202, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5473, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5886, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14218, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15880, effective September 25, 2003; amended at 27 Ill. Reg. 18130, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3541, effective November 15, 2003; amended at 28 Ill. Reg. 11195, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11879, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15156, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12891, effective August 2, 2005; amended at 30 Ill. Reg. 1439, effective January 23, 2006; amended at 30 Ill. Reg. 5260, effective March 2, 2006; amended at 31 Ill. Reg. 6072, effective April 3, 2007; amended at 31 Ill. Reg. 8828, effective June 6, 2007; amended at 33 Ill. Reg. 9371, effective June 17, 2009; amended at 34 Ill. Reg. 19199, effective November 23, 2010.

SUBPART C: POLICIES

Section 330.770 Disaster Preparedness

- a) For the purpose of this Section only, "disaster" means an occurrence, as a result of a natural force or mechanical failure such as water, wind or fire, or a lack of essential resources such as electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the facility.
- b) Each facility shall have policies covering disaster preparedness, including a written plan for staff, residents and others to follow. The plan shall include, but not be limited to, the following:
 - 1) Proper instruction in the use of fire extinguishers for all personnel employed on the premises; ~~shall be properly instructed in the use of fire extinguishers.~~
 - 2) A diagram of the evacuation route, which shall be posted and made familiar to all personnel employed on the premises;:-
 - 3) A written plan ~~shall be developed~~ for moving residents to safe locations

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within the facility in the event of a tornado warning or severe thunderstorm warning; and-

- 4) An~~There shall be an~~ established means of facility notification when the National Weather Service issues a tornado or severe thunderstorm warning that covers the area in which the facility is located. The notification mechanism shall~~must~~ be other than commercial radio or television. Approved notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the facility, or arrangements with local public safety agencies (police, fire, emergency management agency~~ESDA~~) to be notified if a warning is issued.
- c) Fire drills shall be held at least quarterly for each shift of facility personnel. Disaster drills for other than fire shall be held twice annually for each shift of facility personnel. Drills shall be held under varied conditions to:
 - 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
 - 2) Ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility; and
 - 3) Evaluate the effectiveness of disaster plans and procedures.
- d) Fire drills shall include simulation of the evacuation of residents to safe areas during at least one drill each year on each shift.
- e) The facility shall provide~~There shall be special provisions~~ for the evacuation of physically handicapped persons, including those who are hearing or sight impaired.
- f) If~~Where~~ the welfare of the residents precludes an actual evacuation of an entire building, the facility shall conduct~~there must be~~ drills involving the evacuation of successive portions of the building under such conditions that~~as to~~ assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
- g) A written evaluation of each drill shall be submitted to the facility administrator

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and shall be maintained for one year.

- h) A written plan shall be developed for temporarily relocating the residents for any disaster requiring relocation and at any time that the temperature in residents' bedrooms falls below 55°F. for 12 hours or more.
- i) Reporting of Disasters
- 1) Upon the occurrence of any disaster requiring hospital service, police, fire department or coroner, the facility administrator or designee ~~shall~~must provide a preliminary report to the Department either by using the nursing home hotline or by directly contacting the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:
- A) The name and location of the facility;
- B) The type of disaster;
- C) The number of injuries or deaths to residents;
- D) The number of beds not usable due to the occurrence;
- E) An estimate of the extent of damages to the facility;
- F) The type of assistance needed, if any; and
- G) A list of other State or local agencies notified about the problem.
- 2) If the disaster will not require direct Departmental assistance, the facility shall provide ~~at~~the preliminary report within 24 hours after the occurrence. Additionally, the facility shall submit a full written account to the Department within seven days after the occurrence, which includes the information specified in subsection (i)(1) of this Section and a statement of action taken by the facility after the preliminary report.
- j) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents when the heat index/apparent temperature (see Section 330. Table A), as established by

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the National Oceanic and Atmospheric Administration, inside ~~the residents' living, dining, activities, or sleeping areas of~~ the facility exceeds ~~a heat index/apparent temperature of 80°F.~~

k) Coordination with Local Authorities

- 1) Annually, each facility shall forward copies of all disaster policies and plans required under this Section to the local health authority and local emergency management agency having jurisdiction.
- 2) Annually, each facility shall forward copies of its emergency water supply agreements, required under Section 330.2610, to the local health authority and local emergency management agency having jurisdiction.
- 3) Each facility shall provide a description of its emergency source of electrical power, including the services connected to the source, to the local health authority and local emergency management agency having jurisdiction. The facility shall inform the local health authority and local emergency management agency at any time that the emergency source of power or services connected to the source are changed.
- 4) When requested by the local health authority and the local emergency management agency, the facility shall participate in emergency planning activities.

(Source: Amended at 34 Ill. Reg. 19199, effective November 23, 2010)

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- 1) Heading of the Part: Illinois Veterans' Homes Code
- 2) Code Citation: 77 Ill. Adm. Code 340
- 3) Section Number: 340.1320 Adopted Action:
Amend
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rulemaking: November 23, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 28, 2010; 34 Ill. Reg. 7475
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect?
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
340.1010	Amend	34 Ill. Reg. 7097; May 21, 2010
340.1550	Amend	34 Ill. Reg. 7097; May 21, 2010
340.2000	Amend	34 Ill. Reg. 7097; May 21, 2010
340.1000	Amend	34 Ill. Reg. 18286; November 29, 2010
340.1120	Amend	34 Ill. Reg. 18286; November 29, 2010
340.1130	Amend	34 Ill. Reg. 18286; November 29, 2010
340.1150	Amend	34 Ill. Reg. 18286; November 29, 2010

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340.1220	Amend	34 Ill. Reg. 18286; November 29, 2010
340.1225	New	34 Ill. Reg. 18286; November 29, 2010
340.1230	Amend	34 Ill. Reg. 18286; November 29, 2010
340.1240	Repeal	34 Ill. Reg. 18286; November 29, 2010
340.1245	Amend	34 Ill. Reg. 18286; November 29, 2010
340.1305	Amend	34 Ill. Reg. 18286; November 29, 2010
340.1314	Repeal	34 Ill. Reg. 18286; November 29, 2010
340.1315	Amend	34 Ill. Reg. 18286; November 29, 2010
340.1316	Amend	34 Ill. Reg. 18286; November 29, 2010
340.1317	Amend	34 Ill. Reg. 18286; November 29, 2010
340.1351	New	34 Ill. Reg. 18286; November 29, 2010
340.1470	Amend	34 Ill. Reg. 18286; November 29, 2010
340.1505	Amend	34 Ill. Reg. 18286; November 29, 2010
340.1575	New	34 Ill. Reg. 18286; November 29, 2010

- 15) Summary and Purpose of the Rulemaking: Part 340 regulates veterans' homes, including the minimum standards for disaster preparedness, such as written plans for staff to follow, evacuating residents, fire drills, and reporting disasters to the Department.

Section 340.1320 (Disaster Preparedness) was amended to add minimum requirements for facilities to coordinate with local health authorities and emergency management agencies. Traditionally, facilities have conducted disaster preparedness independently of local health or emergency management authorities. These amendments will make working together easier for facilities and local authorities and will result in a better allocation of limited resources if a disaster occurs, with the safety of residents as the primary objective.

- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 340
ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

Section

340.1000	Definitions
340.1010	Incorporated and Referenced Materials
340.1110	General Requirements
340.1115	Federal Veterans' Regulations
340.1120	Application for License
340.1125	Alzheimer's Special Care Disclosure
340.1130	Criteria for Adverse Licensure Actions
340.1140	Denial of Initial License
340.1150	Revocation or Denial of Renewal of License
340.1160	Inspections, Surveys, Evaluations, and Consultations
340.1170	Presentation of Findings by the Department
340.1190	Ownership Disclosure
340.1200	Monitor and Receivership
340.1210	Determination of a Violation
340.1220	Determination of the Level of a Violation
340.1230	Plans of Correction and Reports of Correction
340.1240	Calculation of Penalties
340.1245	Conditions for Assessment of Penalties
340.1250	Reduction or Waiver of Penalties
340.1255	Supported Congregate Living Arrangement Demonstration
340.1260	Waivers

SUBPART B: POLICIES AND FACILITY RECORDS

Section

340.1300	Facility Policies
340.1305	Request for Resident Criminal History Record Information
340.1310	Admission, Retention and Discharge Policies
340.1314	Criminal History Background Checks for Persons Who Were Residents on May

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340.1315	Identified Offenders
340.1316	Discharge Planning for Identified Offenders
340.1317	Transfer of an Identified Offender
340.1320	Disaster Preparedness
340.1330	Incidents and Accidents
340.1335	Infection Control
340.1340	Facility Record Requirements
340.1350	Personnel Policies
340.1360	Initial Health Evaluation for Employees
340.1370	Administrator
340.1375	Personnel Requirements
340.1376	Registry of Certified Nursing Assistants
340.1377	Health Care Worker Background Check
340.1378	Resident Attendants
340.1380	Contacting Local Law Enforcement

SUBPART C: RESIDENT RIGHTS

Section	
340.1400	Implementation of Resident Rights and Facility Responsibilities
340.1410	General
340.1420	Contract Between Resident and Facility
340.1430	Residents' Advisory Council
340.1440	Abuse and Neglect
340.1450	Communication and Visitation
340.1460	Resident's Funds
340.1470	Transfer or Discharge
340.1480	Complaint Procedures
340.1490	Private Right of Action

SUBPART D: HEALTH SERVICES

Section	
340.1500	Medical Care Policies
340.1505	Medical, Nursing and Restorative Services
340.1510	Communicable Disease Policies
340.1520	Tuberculin Skin Test Procedures
340.1530	Physician Services

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340.1535	Dental Programs
340.1540	Life-Sustaining Treatments
340.1550	Obstetrical and Gynecological Care
340.1560	Nursing Personnel
340.1570	Personal Care
340.1580	Restraints
340.1590	Nonemergency Use of Physical Restraints
340.1600	Emergency Use of Physical Restraints
340.1610	Unnecessary, Psychotropic, and Antipsychotic Drugs
340.1620	Medication Administration (Repealed)
340.1630	Self-Administration of Medication (Renumbered)
340.1640	Vaccinations
340.1645	Language Assistance Services

SUBPART E: MEDICATIONS

Section

340.1650	Medication Policies and Procedures
340.1655	Compliance with Licensed Prescriber's Orders
340.1660	Administration of Medication
340.1665	Control of Medication
340.1670	Labeling and Storage of Medication
340.1675	Self-Administration of Medication

SUBPART F: RESIDENT LIVING SERVICES

Section

340.1700	Recreational and Activity Programs
340.1710	Social Services
340.1720	Work Programs
340.1730	Volunteer Program

SUBPART G: RESIDENT RECORDS

Section

340.1800	Resident Record Requirements
340.1810	Content of Medical Records
340.1820	Records Pertaining to Resident's Property
340.1830	Retention, Transfer, and Inspection of Records

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340.1840 Confidentiality of Resident's Records

SUBPART H: FOOD SERVICE

Section

340.1900 Food Service Staff
340.1910 Diet Orders
340.1920 Meal Planning
340.1930 Therapeutic Diets (Repealed)
340.1940 Menus and Food Records
340.1950 Food Preparation and Service
340.1960 Kitchen Equipment, Utensils and Supplies

SUBPART I: PHYSICAL PLANT SERVICES,
FURNISHINGS, EQUIPMENT AND SUPPLIES

Section

340.2000 Maintenance
340.2010 Water Supply, Sewage Disposal and Plumbing
340.2020 Housekeeping
340.2030 Laundry Services
340.2040 Furnishings
340.2050 Equipment and Supplies

340.TABLE A Heat Index Table/Apparent Temperature
340.TABLE B Guidelines for the Use of Various Drugs

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg. 5679, effective April 3, 1995; emergency amendment at 20 Ill. Reg. 496, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996; amended at 22 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162, effective April 15, 1998; amended at 23 Ill. Reg. 1038, effective January 15, 1999; amended at 23 Ill. Reg. 7931, effective July 15, 1999; amended at 24 Ill. Reg. 17225, effective November 1, 2000; amended at 25 Ill. Reg. 4869, effective April 1, 2001; amended at 26 Ill. Reg. 4870, effective April 1, 2002; amended at 26 Ill. Reg. 10589, effective July 1, 2002; emergency

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amendment at 27 Ill. Reg. 2222, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; amended at 27 Ill. Reg. 5903, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14230, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15904, effective September 25, 2003; amended at 27 Ill. Reg. 18148, effective November 15, 2003; amended at 28 Ill. Reg. 11209, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11931, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15208, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12924, effective August 2, 2005; amended at 30 Ill. Reg. 1452, effective January 23, 2006; amended at 30 Ill. Reg. 5303, effective March 2, 2006; amended at 31 Ill. Reg. 6098, effective April 3, 2007; amended at 31 Ill. Reg. 8841, effective June 6, 2007; amended at 33 Ill. Reg. 9384, effective June 17, 2009; amended at 34 Ill. Reg. 19214, effective November 23, 2010.

SUBPART B: POLICIES AND FACILITY RECORDS

Section 340.1320 Disaster Preparedness

- a) For the purpose of this Section only, "disaster" means an occurrence, as a result of a natural force or mechanical failure such as water, wind or fire, or a lack of essential resources such as electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the facility.
- b) Each facility shall have policies covering disaster preparedness, including a written plan for staff, residents and others to follow. The plan shall include, but not be limited to, the following:
 - 1) Proper instruction in the use of fire extinguishers for all personnel employed on the premises; ~~shall be properly instructed in the use of fire extinguishers.~~
 - 2) A diagram of the evacuation route, which shall be posted and made familiar to all personnel employed on the premises; ~~;~~
 - 3) A written plan ~~shall be developed~~ for moving residents to safe locations within the facility in the event of tornado warning or severe thunderstorm warning; and.
 - 4) An ~~There shall be an~~ established means of facility notification when the

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National Weather Service issues a tornado or severe thunderstorm warning that covers the area in which the facility is located. The notification mechanism ~~shall~~must be other than commercial radio or television. Approved notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the facility, or arrangements with local public safety agencies (police, fire, emergency management agency~~ESDA~~) to be notified if a warning is issued.

- c) Fire drills shall be held at least quarterly for each shift of facility personnel. Disaster drills for other than fire shall be held twice annually for each shift of facility personnel. Drills shall be held under varied conditions to:
- 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
 - 2) Ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility; and
 - 3) Evaluate the effectiveness of disaster plans and procedures.
- d) Fire drills shall include simulation of the evacuation of residents to safe areas during at least one drill each year on each shift.
- e) The facility shall provide~~There shall be special provisions~~ for the evacuation of physically handicapped persons, including those who are hearing or sight impaired.
- f) If~~Where~~ the welfare of the residents precludes an actual evacuation of an entire building, the facility shall conduct~~there must be~~ drills involving the evacuation of successive portions of the building under ~~such~~ conditions that~~as to~~ assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
- g) A written evaluation of each drill shall be submitted to the facility administrator and shall be maintained for one~~a~~ year.
- h) A written plan shall be developed for temporarily relocating the residents for any disaster requiring relocation and at any time that the temperature in residents'

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bedrooms falls below 55° F. for 12 hours or more.

i) Reporting of Disasters

1) Upon the occurrence of any disaster requiring hospital service, police, fire department or coroner, the facility administrator or designee ~~shall~~**must** provide a preliminary report to the Department either by using the nursing home hotline or by directly contacting the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:

- A) **The** name and location of **the** facility;
- B) **The** type of disaster;
- C) **The** number of injuries or deaths to residents;
- D) **The** number of beds not usable due to the ~~occurrence~~**disaster**;
- E) **An** estimate of the extent of damages to the facility;
- F) **The** type of assistance needed, if any; and
- G) **A list of** other State or local agencies notified about the problem.

2) If the disaster will not require direct Departmental assistance, the facility shall provide ~~at~~**the** preliminary report within 24 hours after the occurrence. Additionally, the facility shall submit a full written account to the Department within seven days after the occurrence, which includes the information specified in subsection (i)(1) of this Section and a statement of actions taken by the facility after the preliminary report.

j) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents when the heat index/apparent temperature (see Section 340. Table A), as established by the National Oceanic and Atmospheric Administration, inside ~~the residents' living, dining, activities, or sleeping areas of~~ the facility exceeds ~~a heat index/apparent temperature of~~ 80° F.

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k) Coordination with Local Authorities

- 1) Annually, each facility shall forward copies of all disaster policies and plans required under this Section to the local health authority and local emergency management agency having jurisdiction.
- 2) Annually, each facility shall forward copies of its emergency water supply agreements, required under Section 340.2010, to the local health authority and local emergency management agency having jurisdiction.
- 3) Each facility shall provide a description of its emergency source of electrical power, including the services connected to the source, to the local health authority and local emergency management agency having jurisdiction. The facility shall inform the local health authority and local emergency management agency at any time that the emergency source of power or services connected to the source are changed.
- 4) When requested by the local health authority and the local emergency management agency, the facility shall participate in emergency planning activities.

(Source: Amended at 34 Ill. Reg. 19214, effective November 23, 2010)

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- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) Section Number: 350.690 Adopted Action: Amend
- 4) Statutory Authority: MR/DD Community Care Act [210 ILCS 47]
- 5) Effective Date of Rulemaking: November 23, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 28, 2010; 34 Ill. Reg. 7485
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
350.340	Amend	34 Ill. Reg. 7115; May 21, 2010
350.2720	Amend	34 Ill. Reg. 7115; May 21, 2010
350.3020	Amend	34 Ill. Reg. 7115; May 21, 2010
350.3220	Amend	34 Ill. Reg. 7115; May 21, 2010

- 15) Summary and Purpose of the Rulemaking: Part 350 regulates facilities that provide intermediate care for the developmentally disabled, including the minimum standards for

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disaster preparedness, such as written plans for staff to follow, evacuating residents, fire drills, and reporting disasters to the Department.

Section 350.690 (Disaster Preparedness) was amended to add minimum requirements for facilities to coordinate with local health authorities and emergency management agencies. Traditionally, facilities have conducted disaster preparedness independently of local health or emergency management authorities. These amendments will make working together easier for facilities and local authorities and will result in a better allocation of limited resources if a disaster occurs, with the safety of residents as the primary objective.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

The full text of the Adopted Amendment begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

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350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties

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350.290	Quarterly List of Violators (Repealed)
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Supported Congregate Living Arrangement Demonstration
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

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350.510	Administrator

SUBPART C: POLICIES

Section	
350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening and Request for Resident Criminal History Record Information
350.630	Admission, Retention and Discharge Policies
350.634	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
350.635	Identified Offenders
350.636	Discharge Planning for Identified Offenders
350.637	Transfer of an Identified Offender
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.682	Resident Attendants
350.683	Registry of Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Incidents and Accidents
350.750	Contacting Local Law Enforcement
350.760	Infection Control

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SUBPART D: PERSONNEL

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350.810	Personnel
350.820	Consultation Services
350.830	Personnel Policies (Repealed)

SUBPART E: RESIDENT LIVING SERVICES

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350.1010	Service Programs
350.1020	Psychological Services
350.1030	Social Services
350.1040	Speech Pathology and Audiology Services
350.1050	Recreational and Activities Services
350.1055	Volunteer Program
350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff
350.1080	Restraints
350.1082	Nonemergency Use of Physical Restraints
350.1084	Emergency Use of Physical Restraints
350.1086	Unnecessary, Psychotropic, and Antipsychotic Drugs
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SUBPART F: HEALTH SERVICES

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350.1210	Health Services
350.1220	Physician Services
350.1223	Communicable Disease Policies
350.1225	Tuberculin Skin Test Procedures
350.1230	Nursing Services
350.1235	Life-Sustaining Treatments
350.1240	Dental Services
350.1250	Physical and Occupational Therapy Services
350.1260	Vaccinations

SUBPART G: MEDICATIONS

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Section

350.1410	Medication Policies and Procedures
350.1420	Compliance with Licensed Prescriber's Orders
350.1430	Administration of Medication
350.1440	Labeling and Storage of Medications
350.1450	Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

350.1610	Resident Record Requirements
350.1620	Content of Medical Records
350.1630	Confidentiality of Resident's Records
350.1640	Records Pertaining to Residents' Property
350.1650	Retention and Transfer of Resident Records
350.1660	Other Resident Record Requirements
350.1670	Staff Responsibility for Medical Records
350.1680	Retention of Facility Records
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SUBPART I: FOOD SERVICE

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350.1810	Director of Food Services
350.1820	Dietary Staff in Addition to Director of Food Services
350.1830	Hygiene of Dietary Staff
350.1840	Diet Orders
350.1850	Meal Planning
350.1860	Therapeutic Diets (Repealed)
350.1870	Scheduling Meals
350.1880	Menus and Food Records
350.1890	Food Preparation and Service
350.1900	Food Handling Sanitation
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Section

350.2010	Maintenance
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350.2030 Laundry Services

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Section

350.2210 Furnishings

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Section

350.2410 Codes

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350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2610 Applicability of These Standards

350.2620 Codes and Standards

350.2630 Preparation of Drawings and Specifications

350.2640 Site

350.2650 Administration and Public Areas

350.2660 Nursing Unit

350.2670 Dining, Living, Activities Rooms

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SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2910 Applicability

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350.2920	Codes and Standards
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350.2950	Administration and Public Areas
350.2960	Nursing Unit
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350.2980	Treatment and Personal Care
350.2990	Service Department
350.3000	General Building Requirements
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SUBPART O: RESIDENT'S RIGHTS

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350.3210	General
350.3220	Medical and Personal Care Program
350.3230	Restraints (Repealed)
350.3240	Abuse and Neglect
350.3250	Communication and Visitation
350.3260	Resident's Funds
350.3270	Residents' Advisory Council
350.3280	Contract With Facility
350.3290	Private Right of Action
350.3300	Transfer or Discharge
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SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR
THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section	
350.3710	Applicability of Other Provisions of this Part
350.3720	Administration
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350.3760	Medication Policies
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350.3800	Bedrooms
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350.3820	Bath and Toilet Rooms
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350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Areas
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
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350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section

350.4210	Day Care in Long-Term Care Facilities
350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C	Seismic Zone Map
350.APPENDIX D	Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E	Guidelines for the Use of Various Drugs

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350.TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE D	Food Service Sanitation Rules, 77 Illinois Admin. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of 16 Beds or Less
350.TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350.TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17

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Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2238, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5924, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14237, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15924, effective September 25, 2003; amended at 27 Ill. Reg. 18160, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3552, effective November 15, 2003; amended at 28 Ill. Reg. 7653, effective May 24, 2004; amended at 28 Ill. Reg. 11217, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11971, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15247, effective September 23, 2005, for the remainder of the maximum 150 days; emergency expired December 8, 2005; amended at 29 Ill. Reg. 12954, effective August 2, 2005; amended at 30 Ill. Reg. 1460, effective January 23, 2006; amended at 30 Ill. Reg. 5338, effective March 2, 2006; amended at 30 Ill. Reg. 13876, effective August 7, 2006; amended at 31 Ill. Reg. 6119, effective April 3, 2007; amended at 31 Ill. Reg. 8850, effective June 6, 2007; amended at 33 Ill. Reg. 9393, effective June 17, 2009; amended at 34 Ill. Reg. 19224, effective November 23, 2010.

SUBPART C: POLICIES

Section 350.690 Disaster Preparedness

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- a) For the purpose of this Section only, "disaster" means an occurrence, as a result of a natural force or mechanical failure such as water, wind or fire, or a lack of essential resources such as electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the facility.
- b) Each facility shall have policies covering disaster preparedness, including a written plan for staff, residents and others to follow. The plan shall include, but not be limited to, the following:
- 1) Proper instruction in the use of fire extinguishers for all personnel employed on the premises; ~~shall be properly instructed in the use of fire extinguishers.~~
 - 2) A diagram of the evacuation route, which shall be posted and made familiar to all personnel employed on the premises; ~~;~~
 - 3) A written plan ~~shall be developed~~ for moving residents to safe locations within the facility in the event of a tornado warning or severe thunderstorm warning; and ~~;~~
 - 4) ~~An~~ There shall be an established means of facility notification when the National Weather Service issues a tornado or severe thunderstorm warning that covers the area in which the facility is located. The notification mechanism ~~shall~~ must be other than commercial radio or television. Approved notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the facility, or arrangements with local public safety agencies (police, fire, emergency management agency ESDA) to be notified if a warning is issued.
- c) Fire drills shall be held at least quarterly for each shift of facility personnel. Disaster drills for other than fire shall be held twice annually for each shift of facility personnel. Drills shall be held under varied conditions to:
- 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
 - 2) Ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility; and

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- 3) Evaluate the effectiveness of disaster plans and procedures.
- d) Fire drills shall include simulation of the evacuation of residents to safe areas during at least one drill each year on each shift.
- e) The facility shall provide~~There shall be special provisions~~ for the evacuation of physically handicapped persons, including those who are hearing or sight impaired.
- f) If~~Where~~ the welfare of the residents precludes an actual evacuation of an entire building, the facility shall conduct~~there must be~~ drills involving the evacuation of successive portions of the building under ~~such~~ conditions ~~that~~~~as to~~ assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
- g) A written evaluation of each drill shall be submitted to the facility administrator and shall be maintained for one year.
- h) A written plan shall be developed for temporarily relocating the residents for any disaster requiring relocation and at any time that the temperature in residents' bedrooms falls below 55°F. for 12 hours or more.
- i) Reporting of Disasters
- 1) Upon the occurrence of any disaster requiring hospital service, police, fire department or coroner, the facility administrator or designee shall~~must~~ provide a preliminary report to the Department either by using the nursing home hotline or by directly contacting the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:
- A) The name and location of the facility;
- B) The type of disaster;
- C) The number of injuries or deaths to residents;
- D) The number of beds not usable due to the occurrence;
- E) An estimate of the extent of damages to the facility;

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- F) The type of assistance needed, if any; and
- G) A list of other State or local agencies notified about the problem.
- 2) If the disaster will not require direct Departmental assistance, the facility shall provide atthe preliminary report within 24 hours after the occurrence. Additionally, the facility shall submit a full written account to the Department within seven days after the occurrence, which includes the information specified in subsection (i)(1) of this Section and a statement of action taken by the facility after the preliminary report.
- j) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare, and comfort of all residents when the heat index/apparent temperature, as established by the National Oceanic and Atmospheric Administration (see Section 350. Table F), inside ~~the residents' living, dining, activities, or sleeping areas of~~ the facility exceeds ~~a heat index/apparent temperature of~~ 80°F.
- k) Coordination with Local Authorities
- 1) Annually, each facility shall forward copies of all disaster policies and plans required under this Section to the local health authority and local emergency management agency having jurisdiction.
- 2) Annually, each facility shall forward copies of its emergency water supply agreements, required under Section 350.2410(b), to the local health authority and local emergency management agency having jurisdiction.
- 3) Each facility shall provide a description of its emergency source of electrical power, including the services connected to the source, to the local health authority and local emergency management agency having jurisdiction. The facility shall inform the local health authority and local emergency management agency at any time that the emergency source of power or services connected to the source are changed.
- 4) When requested by the local health authority and local emergency management agency, the facility shall participate in emergency planning activities.

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NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 34 Ill. Reg. 19224, effective November 23, 2010)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3) Section Number: 390.690 Adopted Action:
Amend
- 4) Statutory Authority: MR/DD Community Care Act [210 ILCS 47]
- 5) Effective Date of Rulemaking: November 23, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 28, 2010; 34 Ill. Reg. 7500
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
390.340	Amend	34 Ill. Reg. 7149; May 21, 2010
390.2720	Amend	34 Ill. Reg. 7149; May 21, 2010
390.3020	Amend	34 Ill. Reg. 7149; May 21, 2010
390.3220	Amend	34 Ill. Reg. 7149; May 21, 2010
- 15) Summary and Purpose of the Rulemaking: Part 390 regulates facilities that provide long-term care to residents under 22 years old, including the minimum standards for disaster

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preparedness, such as written plans for staff to follow, evacuating residents, fire drills, and reporting disasters to the Department.

Section 390.690 (Disaster Preparedness) was amended to add minimum requirements for facilities to coordinate with local health authorities and emergency management agencies. Traditionally, facilities have conducted disaster preparedness independently of local health or emergency management authorities. These amendments will make working together easier for facilities and local authorities and will result in a better allocation of limited resources if disaster occurs, with the safety of residents as the primary objective.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

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AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4062, effective February 13, 1998; amended at 22

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Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16576, effective September 18, 1998; amended at 23 Ill. Reg. 1069, effective January 15, 1999; amended at 23 Ill. Reg. 8021, effective July 15, 1999; amended at 24 Ill. Reg. 17283, effective November 1, 2000; amended at 25 Ill. Reg. 4890, effective April 1, 2001; amended at 26 Ill. Reg. 4890, effective April 1, 2002; amended at 26 Ill. Reg. 10645, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2258, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5509, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5947, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14250, effective August 15, 2003, for a maximum of 150 days; emergency expired January 12, 2004; amended at 27 Ill. Reg. 15949, effective September 25, 2003; amended at 27 Ill. Reg. 18204, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3565, effective November 15, 2003; amended at 28 Ill. Reg. 11231, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 12025, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15301, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12988, effective August 2, 2005; amended at 30 Ill. Reg. 1473, effective January 23, 2006; amended at 30 Ill. Reg. 5383, effective March 2, 2006; amended at 31 Ill. Reg. 6145, effective April 3, 2007; amended at 31 Ill. Reg. 8864, effective June 6, 2007; amended at 33 Ill. Reg. 9406, effective June 17, 2009; amended at 34 Ill. Reg. 19239, effective November 23, 2010.

SUBPART C: POLICIES

Section 390.690 Disaster Preparedness

- a) For the purpose of this Section only, "disaster" means an occurrence, as a result of a natural force or mechanical failure such as water, wind or fire, or a lack of essential resources such as electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the facility.
- b) Each facility shall have policies covering disaster preparedness, including a written plan for staff, residents and others to follow. The plan shall include, but not be limited to, the following:
 - 1) Proper instruction in the use of fire extinguishers for all personnel employed on the premises; ~~shall be properly instructed in the use of fire extinguishers.~~
 - 2) A diagram of the evacuation route, which shall be posted and made familiar to all personnel employed on the premises; ~~;~~

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- 3) A written plan ~~shall be developed~~ for moving residents to safe locations within the facility in the event of a tornado warning or severe thunderstorm warning; ~~and-~~
 - 4) ~~An~~ ~~There shall be an~~ established means of facility notification when the National Weather Service issues a tornado or severe thunderstorm warning that covers the area within which the facility is located. The notification mechanism ~~shall~~ ~~must~~ be other than commercial radio or television. Approved notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the facility, or arrangements with local public safety agencies (police, fire, emergency management agency ~~ESDA~~) to be notified if a warning is issued.
- c) Fire drills shall be held at least quarterly for each shift of facility personnel. Disaster drills for other than fire shall be held twice annually for each shift of facility personnel. Drills shall be held under varied conditions to:
- 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
 - 2) Ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility; ~~and~~
 - 3) Evaluate the effectiveness of disaster plans and procedures.
- d) Fire drills shall include simulation of ~~the~~ evacuation of residents to safe areas during at least one drill each year on each shift.
- e) ~~The facility shall provide~~ ~~There shall be special provisions~~ for the evacuation of physically handicapped persons, including those who are hearing or sight impaired.
- f) ~~If~~ ~~Where~~ the welfare of the residents precludes an actual evacuation of an entire building, ~~the facility shall conduct~~ ~~there must be~~ drills involving the evacuation of successive portions of the building under ~~such~~ conditions ~~that as to~~ assure the capability of evacuating the entire building with the personnel usually available, should the need arise.

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- g) A written evaluation of each drill shall be submitted to the facility administrator and shall be maintained for one year.
- h) A written plan shall be developed for temporarily relocating the residents for any disaster requiring relocation and at any time that the temperature in residents' bedrooms falls below 55°F. for 12 hours or more.
- i) Reporting of Disasters
- 1) Upon the occurrence of any disaster requiring hospital service, police, fire department or coroner, the facility administrator or designee ~~shall~~must provide a preliminary report to the Department either by using the nursing home hotline or by directly contacting the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:
- A) The name and location of the facility;
- B) The type of disaster;
- C) The number of injuries or deaths to residents;
- D) The number of beds not usable due to the occurrence;
- E) An estimate of the extent of damages to the facility;
- F) The type of assistance needed, if any; and
- G) A list of other State or local agencies notified about the problem.
- 2) If the disaster will not require direct Departmental assistance, the facility shall provide ~~at~~the preliminary report within 24 hours after the occurrence. Additionally, the facility shall submit a full written account to the Department within seven days after the occurrence, which includes the information specified in subsection (i)(1) of this Section and a statement of action taken by the facility after the preliminary report.
- j) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare, and comfort of all residents when the heat index/apparent temperature (see Section 390. Table F), as established by

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the National Oceanic and Atmospheric Administration, inside ~~the residents' living, dining, activities, or sleeping areas of~~ the facility exceeds ~~a heat index/apparent temperature of~~ 80°F.

k) Coordination with Local Authorities

- 1) Annually, each facility shall forward copies of all disaster policies and plans required under this Section to the local health authority and local emergency management agency having jurisdiction.
- 2) Annually, each facility shall forward copies of its emergency water supply agreements required under Section 390.2410(b), to the local health authority and local emergency management agency having jurisdiction.
- 3) Each facility shall provide a description of its emergency source of electrical power, including the services connected to the source, to the local health authority and the local emergency management agency having jurisdiction. The facility shall inform the local health authority and local emergency management agency at any time that the emergency source of power or services connected to the source are changed.
- 4) When requested by the local health authority and local emergency management agency, the facility shall participate in emergency planning activities.

(Source: Amended at 34 Ill. Reg. 19239, effective November 23, 2010)

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- 1) Heading of the Part: Children's Low-cost Laptop Program
- 2) Code Citation: 23 Ill. Adm. Code 365
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
365.10	Amendment
365.20	Amendment
365.30	Amendment
365.40	Amendment
365.50	Amendment
365.60	Amendment
- 4) Statutory Authority: 105 ILCS 65
- 5) Effective Date of Amendments: November 29, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 3, 2010; 34 Ill. Reg. 12791
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: The Children's Low-cost Laptop Program [105 ILCS 65] is a two-year pilot initiative designed to enable qualifying school districts to take advantage of decreases in the cost of technology to establish opportunities to

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introduce computing skills to students at the elementary grade levels (i.e., grades 3 through 8). The program focuses on schools that serve a substantial percentage of low-income students, are low-achieving, and have limited access to technological resources. The program is similar in scope to the Technology Immersion Pilot Project, which was first funded in 2006 and subsequently repealed effective August 31, 2010.

The changes to Part 365 recognize the differences between the two programs. As noted above, the program has been expanded to include grades 3 through 5, which previously did not participate. Rather than receiving laptop computers from the State, as was the case with the predecessor program, school districts receiving a Children's Low-cost Laptop Program grant will purchase the equipment directly. Further, the use of the technology under the new program will respond to the district's already existing technology plan. Under the Technology Immersion Pilot Project, districts were required to establish a committee to plan for the use of the laptop computers, in conjunction with strategies outlined in existing technology plans.

The rules were amended, as per the Act, to more specifically target grants to ensure geographic distribution on a statewide basis (see Section 365.60(b)). Other changes incorporate procedures that are now standard to competitive grant programs.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Marica Cullen, Division Administrator
Illinois State Board of Education
100 North First Street, C-215
Springfield, Illinois 62777

217/557-7323

The full text of the Adopted Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER j: TEXTBOOKS AND EQUIPMENT

PART 365

~~CHILDREN'S LOW-COST LAPTOP PROGRAM
TECHNOLOGY IMMERSION PILOT PROJECT~~

Section

365.10	Purpose and Applicability
365.20	Eligible Applicants
365.30	Program Specifications
365.40	Application Procedure
365.50	Criteria for the Review of Initial Proposals
365.60	Allocation of Funds

AUTHORITY: Implementing and authorized by the Children's Low-cost Laptop Act [105 ILCS 65].

SOURCE: Emergency rules adopted at 30 Ill. Reg. 11807, effective June 26, 2006, for a maximum of 150 days; adopted at 30 Ill. Reg. 17488, effective October 23, 2006; emergency amendment at 34 Ill. Reg. 12997, effective August 17, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 19252, effective November 29, 2010.

Section 365.10 Purpose and Applicability

This Part establishes the ~~proposal application~~ procedure and criteria for selection by the State Superintendent Board of Education of ~~eligible schools~~ ~~the entities~~ that will receive grant funds under the ~~Children's Low-cost Laptop Act [105 ILCS 65]~~ ~~technology immersion pilot program established pursuant to Section 2-3.135 of the School Code [105 ILCS 5/2-3.135]~~. ~~This Part also establishes the requirements that will apply to the distribution and use of the laptop computers and other resources furnished as part of this program.~~

(Source: Amended at 34 Ill. Reg. 19252, effective November 29, 2010)

Section 365.20 Eligible Applicants

- a) Eligible applicants shall be school districts ~~with one or more schools serving any of grades 3 through 8 that~~ with one or more schools serving any of grades 3 through 8 that ~~in which either:~~

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- 1) have 40 percent or more of their students eligible to receive free or reduced-price meals under the National School Lunch Program (42 USC 1751 et seq.);
 - 2) ~~one or more schools~~ are in Academic Early Warning or Academic Watch status under Section 2-3.25d of the School Code [105 ILCS 5/2-3.25d]; ~~and~~
 - 3) 2) have a significant percentage of the students with limited or no access to laptop computers for use in improving their educational opportunities served have identified needs that make the use of technological devices more necessary or effective in their education than is the case for the student population as a whole.
- b) For purposes of this Part, any public school operated by an agency of the State of Illinois shall be treated as a "school district".
 - c) Public university laboratory schools approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)] and charter schools shall be eligible to apply on the same basis as school districts; see 105 ILCS 5/2-3.109a and 27A-11.5, respectively.
 - d) Eligibility shall be limited to entities having State-approved technology integration plans.
 - e) An applicant chosen for funding shall not subsequently lose eligibility due solely to improvement in the status of the schools served relative to Section 2-3.25d of the School Code.

(Source: Amended at 34 Ill. Reg. 19252, effective November 29, 2010)

Section 365.30 Program Specifications

- a) ~~Each project funded under this program shall be based on a plan developed by a technology immersion committee as provided in Section 2-3.135 of the School Code for the purpose of addressing one or more of the problems specified in that Section.~~

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- ~~a)~~^{b)} Recipients under this program shall receive a major portion of the resources necessary to implement a schoolwide or classroom-based program that uses educational software and computer skills training to improve academic achievement and the progress measures listed in Section 25(a) of the Act. Funding under this program must be in accordance with the purposes set forth in Section 15(b) of the Act.~~their approved plans by means of comprehensive, technology-based learning programs. Funding under this program will be used to:~~
- ~~1) provide training for teachers and administrators in participating schools on the effective integration of personal laptop computers into a comprehensive, technology-based learning program;~~
 - ~~2) furnish personal laptop computers for all teachers and students in the classrooms designated for participation and for selected administrators in the schools where those classrooms are located;~~
 - ~~3) support the use of the laptop computers through the purchase of related hardware, software, and other technologies and through the provision of maintenance, repair, and warranty services relevant to those resources.~~
- ~~b)~~^{e)} Recipients under this program may be required to upgrade their electrical or other capacity or to make other in-kind contributions as a condition of participation.
- ~~c)~~^{d)} Each recipient under this program shall be required to develop a policy providing for:
- 1) students' safety when using the Internet; and
 - 2) students' use of, responsibility for, and return of equipment and materials loaned under this program.
- ~~d)~~^{e)} Each recipient under this program shall provide ~~State furnished~~ laptop computers to administrators only to the extent that these individuals have a demonstrable role in supporting the work of the teachers whose classrooms are served or in conducting or supporting efforts aimed at implementing the strategies outlined in the recipient's State-approved technology integrationalleviating the problems identified in the recipient's plan.
- ~~e)~~^{f)} Each recipient shall compile the information necessary for purposes of the annual progress report required by Section 25 of the Act~~2-3.135(f) of the School Code.~~

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(Source: Amended at 34 Ill. Reg. 19252, effective November 29, 2010)

Section 365.40 Application Procedure

- a) When State funding is available for this program, the State Superintendent of Education shall issue a Request for Proposals (RFP) in order to solicit proposals~~applications~~ from eligible entities. ~~As used in this Part, a "proposal" or "application" means an academic improvement plan developed in accordance with Section 2-3.135(e) of the School Code, accompanied by the additional materials applicants will be required to submit in response to the RFP, as described in this Section. For purposes of this Part an "academic improvement plan" means the plan of work for the specific project for which State funding is sought.~~
- b) The RFP shall describe the format that applicants will be required to follow and the information they will be required to submit, including at least:
- 1) a description of the project and its intended outcomes;
 - 2) identification of the specific schools, or classrooms in a school, to be served;
 - 3) a description of their building infrastructure, including technological and electrical capacity, of each participating school;
 - 4) the number of students and the grade levels involved, ~~the grades and classrooms chosen~~; and
 - 5) the rationale for these choices.
- c) The RFP shall require the completion of a budget summary and payment schedule as well as a budget breakdown, i.e., a detailed explanation of each line item of expenditure~~indicate the amount or expected amount of the appropriation for the program and shall describe the integrated group of resources to be provided to each recipient, the other types of expenditures that will be defrayed with program funds, and the basis for allocating resources. The RFP shall identify any restrictions or areas of high priority that have been established for a particular program year.~~

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- d) The RFP shall identify the data that recipients will be required to collect and report regarding the activities conducted with program funds and the results of those activities, as well as the timelines for reporting. The data shall at least include those elements required under Section 25 of the Act.
- e) The RFP shall include such certifications and assurances and program-specific terms of the grant as the State Superintendent may require, to be signed by each applicant that is a party to the proposal and submitted with the proposal.
- f) The RFP shall specify the deadline for submission of proposals, which shall provide potential applicants with at least 30 days to respond.
- g) Separate ~~proposals~~applications shall be required for renewal of grant funding. Each ~~proposal~~application for renewal shall include at least a description of activities during the year just concluded, demonstrating that the project has been implemented in conformance with the approved grant agreement and that the recipient continues to exhibit need for assistance for this purpose.
- h) Applicants may be requested to clarify various aspects of their proposals. The contents of the approved proposal shall be incorporated into a grant agreement to be signed by the State Superintendent of Education or designee and the school district superintendent or, in the case of a non-school district applicant, the official authorized to sign the agreement and legally bind the applicant to its provisions. Incomplete proposals shall not be considered.

(Source: Amended at 34 Ill. Reg. 19252, effective November 29, 2010)

Section 365.50 Criteria for the Review of Initial Proposals

- a) Initial applications shall be evaluated in accordance with the following criteria:
- 1) Quality of the Plan (50 points)
 - A) ~~The proposal identifies schools to be served that are experiencing teacher shortages in particular curricular areas, limited access to Advanced Placement courses, low performance on the State assessment administered pursuant to Section 2-3.64 of the School Code, or high rates of dropping out.~~ B) The proposal indicates how the prevalence of personal laptop computers and other

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

technological resources can be used to mitigate the problems identified.

B)C) The proposal discusses specific strategies that will be used by teachers and administrators, respectively, to improve the schools' and students' outcomes with respect to the specific problems noted and provides a plan for aligning these strategies to the State-approved technology integration plan.

C)D) The proposal demonstrates that the teachers and administrators responsible for the classrooms to be served are amenable to the kinds of changes in their work that will occur if a greater reliance on technology is made possible.

D)E) The proposal links the plan for the use of personal computing technology to other school improvement initiatives relevant to the schools to be served.

2) Need (30 points)

A) The proposal demonstrates that the schools to be served currently have inadequate access to technological resources that can be used directly by students and teachers.

B) The proposal discusses other initiatives and strategies that have not been as effective as hoped in improving students' performance over time.

3) Evaluation Plan (20 points)

The proposal identifies how and by whom each of the data elements implicit in the reporting requirement of Section 25 of the Act 2-3.135(f) of the School Code will be collected and how each of the applicable comparisons will be made.

- b) Proposals shall be grouped according to the geographic areas delineated in Section 20 of the Act 2-3.135(d) of the School Code, and each proposal shall be ranked only in comparison to proposals from other eligible entities within its respective group.

(Source: Amended at 34 Ill. Reg. 19252, effective November 29, 2010)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 365.60 Allocation of Funds

- a) The State Superintendent of Education shall approve initial ~~proposals~~ ~~applications~~ and make final determinations regarding the resources to be provided based upon the total funds appropriated for this initiative ~~and~~; the amounts necessary to fund the top-ranked proposals, ~~and the need to distribute the benefits of integrated technology on a statewide basis.~~
- b) It is the intention of the State Board of Education to approve ~~proposals~~ ~~applications~~ in such a way as ~~to ensure that at least one-third of the participating students are located in the City of Chicago; at least one-third are located in the area that makes up DuPage, Kane, Lake, McHenry, Will and that portion of Cook County located outside of the City of Chicago; and at least one-third are located in the remainder of the State. (Section 20 of the Act) to serve at least 9 schools, with at least 3 from the school district located in the City of Chicago and at least one from each of the other school districts selected. (Section 2-3.135(d) of the School Code)~~
- c) It is the intention of the State Board of Education to approve projects under this Part for a ~~two-year~~ ~~three-year~~ period. Support in the second ~~year~~ ~~and third years~~ shall be contingent upon the availability of funds for the program and evidence presented in renewal proposals that the projects have been implemented in accordance with the approved grant agreements and that the recipients continue to need additional State resources in order to maintain comprehensive technology-based learning programs.
- d) A district that has received ~~two~~ ~~three~~ years' support under this Part may subsequently apply as a new applicant.

(Source: Amended at 34 Ill. Reg. 19252, effective November 29, 2010)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 23, 2010 through November 29, 2010 and have been scheduled for review by the Committee at its December 14, 2010 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
1/6/11	<u>Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)</u>	10/8/10 34 Ill. Reg. 14480	12/14/10
1/6/11	<u>Department of Transportation, Roadside Memorials (92 Ill. Adm. Code 549)</u>	10/8/10 34 Ill. Reg. 15271	12/14/10
1/6/11	<u>Department of Healthcare and Family Services, Medical Assistance Programs (89 Ill. Adm. Code 120)</u>	9/17/10 34 Ill. Reg. 13275	12/14/10
1/6/11	<u>Department of Healthcare and Family Services, Hospital Services (89 Ill. Adm. Code 148)</u>	7/30/10 34 Ill. Reg. 10665	12/14/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
11:00 A.M.
DECEMBER 14, 2010

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

Email: jcar@ilga.gov

Phone: 217/785-2254

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Agriculture

1. Illinois Pesticide Act (8 Ill. Adm. Code 250)
 - First Notice Published: 34 Ill. Reg. 10937
 - Expiration of Second Notice: 12/22/10

Capital Development Board

2. Early Childhood Construction Grant Rules (71 Ill. Adm. Code 43)
 - First Notice Published: 34 Ill. Reg. 12564 – 9/3/10
 - Expiration of Second Notice: 12/15/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

Central Management Services

3. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 34 Ill. Reg. 14480 – 10/8/10
 - Expiration of Second Notice: 1/6/11

Children and Family Services

4. Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300)
 - First Notice Published: 34 Ill. Reg. 10943 – 8/6/10
 - Expiration of Second Notice: 12/18/10

Commerce and Economic Opportunity

5. Small Business Job Creation Tax Credit Act (SBJC) (14 Ill. Adm. Code 529)
 - First Notice Published: 34 Ill. Reg. 9699 – 7/16/10
 - Expiration of Second Notice: 1/2/11

Drycleaner Environmental Response Trust Fund Council

6. General Program (35 Ill. Adm. Code 1500)
 - First Notice Published: 34 Ill. Reg. 7989 – 6/18/10
 - Expiration of Second Notice: 12/26/10

Education

7. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 34 Ill. Reg. 7597 – 6/4/10
 - Expiration of Second Notice: 1/25/11

Elections

8. Campaign Financing (26 Ill. Adm. Code 100)
 - First Notice Published: 34 Ill. Reg. 13898 – 10/1/10
 - Expiration of Second Notice: 1/2/11
9. Practice and Procedure (26 Ill. Adm. Code 125)
 - First Notice Published: 34 Ill. Reg. 13947 – 10/1/10
 - Expiration of Second Notice: 1/1/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

10. Raffles Conducted by Political Committees (26 Ill. Adm. Code 210)
-First Notice Published: 34 Ill. Reg. 14004 – 10/1/10
-Expiration of Second Notice: 12/31/10

Environmental Protection Agency

11. Procedures for Operation of the Clean Construction or Demolition Debris Fill Operation Fee System (35 Ill. Adm. Code 1150)
-First Notice Published: 34 Ill. Reg. 11653 – 8/13/10
-Expiration of Second Notice: 12/15/10

Gaming Board

12. Video Gaming (General) (11 Ill. Adm. Code 1800)
-First Notice Published: 34 Ill. Reg. 8494 – 7/2/10
-Expiration of Second Notice: 1/2/11

Healthcare and Family Services

13. Medical Assistance Programs (89 Ill. Adm. Code 120)
-First Notice Published: 34 Ill. Reg. 2631 – 2/19/10
-Expiration of Second Notice: 12/22/10
14. Medical Assistance Programs (89 Ill. Adm. Code 120)
-First Notice Published: 34 Ill. Reg. 13275 – 9/17/10
-Expiration of Second Notice: 1/6/11
15. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 34 Ill. Reg. 2646 – 2/19/10
-Expiration of Second Notice: 12/22/10
16. Hospital Services (89 Ill. Adm. Code 148)
-First Notice Published: 34 Ill. Reg. 10665 – 7/30/10
-Expiration of Second Notice: 1/6/11

Labor

17. Carnival and Amusement Ride Safety Act (56 Ill. Adm. Code 6000)
-First Notice Published: 34 Ill. Reg. 13610 – 9/24/10
-Expiration of Second Notice: 12/29/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

Natural Resources

18. Snowmobile Trail Establishment Fund Grant Program (17 Ill. Adm. Code 3020)
-First Notice Published: 34 Ill. Reg. 13278 – 9/17/10
-Expiration of Second Notice: 1/2/11

Pollution Control Board

19. Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
-First Notice Published: 34 Ill. Reg. 13020 – 9/10/10
-Expiration of Second Notice: 12/22/10
20. Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)
-First Notice Published: 34 Ill. Reg. 13047 – 9/10/10
-Expiration of Second Notice: 12/22/10

Public Health

21. Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640)
-First Notice Published: 34 Ill. Reg. 2087 – 2/5/10
-Expiration of Second Notice: 1/10/11

Racing Board

22. Advance Deposit Wagering (ADW) (11 Ill. Adm. Code 325)
-First Notice Published: 34 Ill. Reg. 13298 – 9/17/10
-Expiration of Second Notice: 12/17/10

Revenue

23. Electronic Filing of Returns or Other Documents (86 Ill. Adm. Code 760)
-First Notice Published: 34 Ill. Reg. 13619 – 9/24/10
-Expiration of Second Notice: 12/24/10

Secretary of State

24. Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

-First Notice Published: 34 Ill. Reg. 12745 – 9/3/10
-Expiration of Second Notice: 12/29/10

25. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)
-First Notice Published: 30 Ill. Reg. 13775 – 10/1/10
-Expiration of Second Notice: 12/31/10

26. Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070)
-First Notice Published: 34 Ill. Reg. 13300 – 9/17/10
-Expiration of Second Notice: 12/22/10

State Toll Highway Authority

27. State Toll Highway Rules (92 Ill. Adm. Code 2520)
-First Notice Published: 34 Ill. Reg. 13090 – 9/10/10
-Expiration of Second Notice: 12/29/10

Student Assistance Commission

28. Robert C. Byrd Honors Scholarship Program (23 Ill. Adm. Code 2755)
-First Notice Published: 34 Ill. Reg. 13625 – 9/24/10
-Expiration of Second Notice: 12/26/10
29. Illinois Prepaid Tuition Program (23 Ill. Adm. Code 2775)
-First Notice Published: 34 Ill. Reg. 13634 – 9/24/10
-Expiration of Second Notice: 12/26/10

Teachers' Retirement System

30. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)
-First Notice Published: 34 Ill. Reg. 9743 – 7/16/10
-Expiration of Second Notice: 12/22/10
31. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)
-First Notice Published: 34 Ill. Reg. 10710 – 7/30/10
-Expiration of Second Notice: 12/22/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

Transportation

32. Roadside Memorials (92 Ill. Adm. Code 549)
-First Notice Published: 34 Ill. Reg. 15271 – 10/8/10
-Expiration of Second Notice: 1/6/11

EMERGENCY RULEMAKINGS

Healthcare and Family Services

33. Long Term Reimbursement Changes (89 Ill. Adm. Code 153)
-Notice Published: 34 Ill. Reg. 17462 – 11/12/12

Human Services

34. Developmental Disabilities Services (89 Ill. Adm. Code 144)
-Notice Published: 34 Ill. Reg. 16983 – 11/5/10

Insurance

35. Mandatory Child Only Open Enrollment Period for Individual Market Carriers (50 Ill. Adm. Code 5410)
-Notice Published: 34 Ill. Reg. 18904 – 11/29/10

Workers' Compensation Commission

36. Miscellaneous (50 Ill. Adm. Code 7110)
-Notice Published: 34 Ill. Reg. 17471 – 11/12/10

PEREMPTORY RULEMAKING

Central Management Services

37. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 34 Ill. Reg. 18912 – 11/29/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

EXEMPT RULEMAKINGSPollution Control Board

38. RCRA Permit Program (35 Ill. Adm. Code 703)
-Proposed Date: 8/6/10
-Adopted Date: 11/12/10
39. Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
-Proposed Date: 8/6/10
-Adopted Date: 11/12/10
40. Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
-Proposed Date: 8/6/10
-Adopted Date: 11/12/10
41. Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
-Proposed Date: 8/6/10
-Adopted Date: 11/12/10
42. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
-Proposed Date: 8/6/10
-Adopted Date: 11/12/10
43. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 Ill. Adm. Code 725)
-Proposed Date: 8/6/10
-Adopted Date: 11/12/10

AGENCY RESPONSESIllinois Emergency Management Agency

44. Licensing of Radioactive Material (32 Ill. Adm. Code 330; 34 Ill. Reg. 12061 – 8/28/09)

Workers' Compensation Commission

45. Miscellaneous (50 Ill. Adm. Code 7110; 34 Ill. Reg. 10222 – 7/16/10)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

2010-387

United States Senator Mark Steven Kirk

WHEREAS, On the 2nd day of November, 2010, an election was held in the State of Illinois for the election of the following officer, to-wit:

One (1) United States Senator for an unexpired term.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 23rd day of November, 2010, canvass the same, and as a result of such canvass, did declare elected the following named person to the following named office:

UNITED STATES SENATOR

Mark Steven Kirk

NOW, THEREFORE, I, PAT QUINN, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing person duly elected to the office as set out above.

Issued by the Governor November 23, 2010.

Filed by the Secretary of State November 23, 2010.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 34, Issue 50 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

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ADOPTED RULES

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77 - 350 11/23/2010 19224
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**EXECUTIVE ORDERS AND
PROCLAMATIONS**

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