

# 2005

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Relations
- 2) Code Citation: 20 Ill. Adm. Code 103
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
103.10	Amend
103.30	Amend
103.60	Amend
- 4) Statutory Authority: Implementing Section 3-2-2 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being revised to clarify that visitors touring correctional facilities are prohibited from engaging in political activity including the distribution of political or campaign material on State property. Additionally, organizational changes have been made to clarify that this rulemaking is applicable to all offices within the Department, as each Unit is not part of a division, and to incorporate the public information offices being moved to Central Management Services.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period that commences on the issue date of this publication of the *Illinois Register* to:

Beth Kiel, Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois 62794-9277

Phone: (217) 522-2666, extension 6511

All written comments received after 45 days from the date of this publication will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the rulemaking was not anticipated.

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

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER I: DEPARTMENT OF CORRECTIONS  
SUBCHAPTER a: ADMINISTRATION AND RULESPART 103  
PUBLIC RELATIONS

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103.60	Tours of Correctional Facilities

AUTHORITY: Implementing Section 3-2-2 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1].

SOURCE: Adopted at 8 Ill. Reg. 14568, effective August 1, 1984; amended at 20 Ill. Reg. 8311, effective July 1, 1996; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 103.10 Applicability**

This Part applies to all divisions **and offices within** the Department.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 103.30 Public Information **Office****

The **Department of Central Management Services** Public Information Office shall be responsible for informing the public, employees, and news media regarding the Department's policies and programs and facilitating coverage of news events, subject to approval of the Director.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 103.60 Tours of Correctional Facilities**

- a) Tours of a correctional facility of the Department shall be subject to approval by the Chief Administrative Officer.

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENTS

- b) Tours of a maximum security facility shall be restricted to persons 17 years of age or over except upon approval by the Director.
- c) Ex-offenders, relatives, or close friends of committed persons may tour a facility only upon prior written approval of the Chief Administrative Officer.
- d) Visitors must remain with the touring group and the staff member conducting the tour. All visitors shall be required to abide by Department rules and procedures and the instructions of the employee conducting the tour.
- e) Visitors shall be prohibited from political activities, including distributing any type of political or campaign material, while on State property.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Camping on Department of Natural Resources Properties
- 2) Code Citation: 17 Ill. Adm. Code 130
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
130.40	Amendment
130.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update the definition for Premium Campgrounds, add language specific to the World Shooting Complex indicating that camping rates do not apply during sanctioned shooting events that are authorized via licensing agreements and to add language indicating that parents/legal guardians accompanying minors who have a current Class 2 Illinois Disabled Person ID card may register their campsite at the reduced rate for disabled persons.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER a: LANDSPART 130  
CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

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130.10	Location
130.20	Purpose of Campground
130.30	Classification of Camps by Equipment Used – Definitions
130.40	Definitions
130.50	Registrations
130.60	Permits, Extensions and Time Limits
130.70	Fees and Charges
130.80	Refunds
130.90	Check-in and Check-out Times
130.100	Unoccupied Camps
130.110	Vehicles per Camp (Refer to 17 Ill. Adm. Code 130.30)
130.120	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.130	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.135	Campground Host Program
130.140	Use of Campground
130.150	Violation of Rule

**AUTHORITY:** Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305 and 805-515].

**SOURCE:** Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg. 9034, effective June 26, 1997; amended at 22 Ill. Reg. 3076, effective January 23, 1998; amended at 22 Ill. Reg. 11781, effective June 24, 1998; amended at 23 Ill. Reg. 8376, effective July 7, 1999; amended at 24 Ill. Reg. 1634, effective January 13, 2000; amended at 24 Ill. Reg. 13699, effective August 23, 2000; amended at 27 Ill. Reg. 12630, effective July 21, 2003; amended at 28 Ill. Reg. 6118, effective April 15, 2004; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 130.40 Definitions**

- a) "Camp" means a single family or group occupying one site that is a designated individual site within a Departmentally managed site, established and maintained for the sole purpose of camping, including the use of tents, trailers or any other type of camping device.
- b) A "Single Family" consists of either or both parents and unmarried children. Other family members will be considered as part of the family as long as they occupy the same shelter, but not to exceed a total of 4 adults (18 years of age or older).
- c) The "Single Group" consists of unrelated adults (18 years of age or older) with or without children occupying the same shelter. This group would not exceed 4 occupants (except for Rent-A-Camp sites with an extra large tent which would not exceed 8 occupants and a campground cabin would not exceed 6 occupants).
- d) A "Camp Shelter" is the portable equipment used by the single family or group for bedding and housing.
- e) If more than one camp shelter is required for the single family or group, they shall occupy separate campsites. (Exceptions: Minor children (under 18) sleeping in sleeping bags or in a tent outside the family shelter are considered occupants sharing the same shelter. A group of no more than 4 occupants may occupy up to 2 or 4 one-man tents on a single campsite.)
- f) In no case will 2 or more tent trailers, travel trailers, self-propelled mobile campers, pick-up campers, or any combination thereof be considered as a single camp.
- g) Where campgrounds are laid out in defined sites, not more than one camp will be

## DEPARTMENT OF NATURAL RESOURCES

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permitted on a site. Where campgrounds are not laid out in sites, the number of camps will be determined by the capacity of the existing sanitary facilities, parking areas, soil and turf conditions, potential social conflicts between campers due to crowding, and similar factors as determined by Department staff.

- h) A "Premium Campground" is a designated camping facility that has a preponderant history of consistently operating at capacity [or has unique amenities, such as automated trap and skeet ranges, that are not typically offered at other State camping facilities](#). The following sites are designated as Premium Campgrounds: Chain O'Lakes State Park, Illinois Beach State Park, Kankakee River State Park, [the World Shooting Complex](#), Rock Cut State Park, Shabbona Lake State Recreation Area and Starved Rock State Park.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 130.70 Fees and Charges**

- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary according to the type of campground and are as follows:
- 1) Spring-Summer Camping ([rates apply](#) May 1 through September 30, [except at the World Shooting Complex during sanctioned shooting events when camping is reserved for event participants via a licensing agreement between the event sponsor and the Department](#))
    - A) Class AA Sites: Camping fee of \$15per night per site, \$5 utility fee. Sites having availability to showers, electricity, water hookups, sewer hookups, and vehicular access.
    - B) Class A Sites: Camping fee of \$10per night per site, \$5 utility fee. Sites having availability to showers, electricity and vehicular access.
    - C) Class A Premium Sites: Camping fee of \$15 per night per site, \$5 utility fee. Sites having availability to showers, electricity and vehicular access.
    - D) Class B-E Sites: Camping fee of \$8 per night per site, \$5 utility

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fee. Sites having availability to electricity and vehicular access.

- E) Class B-E Premium Sites: Camping fee of \$10 per night per site, \$5 utility fee. Sites having availability to electricity and vehicular access.
- F) Class B-S Sites: Camping fee of \$10 per night per site. Sites having availability to showers and vehicular access.
- G) Class B-S Premium Sites: Camping fee of \$12 per night per site. Sites having availability to showers and vehicular access.
- H) Class C Sites: Camping fee of \$8 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.
- I) Class D Sites: Camping fee of \$6 per night per site. Tent camping or primitive sites with no vehicular access.
- J) Youth Group Camping: \$2 per person, minimum daily camping fee of \$20.
- K) Adult Group Camping: \$4 per person, minimum daily camping fee of \$40.
- L) Each member of an organized group utilizing facilities furnished at Dixon Springs State Park, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette State Park shall pay a fee of \$4 per night. At Dixon Springs and Horseshoe Lake State Fish and Wildlife Area (Alexander County), a deposit of \$40 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette, a deposit of \$100 will be required before confirmation of a reservation. The deposits will not be refunded until inspection is made of the facilities after the group departs. If damages warrant, Pere Marquette will have authority to retain this deposit. Fees for day use of the group camps at Dixon Springs, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette shall be \$50 per day.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- M) Rent-A-Camp Tents
- i) Tents will be made available at designated State parks and recreational areas throughout the Department's statewide system. Rent-A-Camp Tent areas will provide, at additional fees of \$8 and \$12 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The total overnight fee for a Rent-A-Camp Tent will be based on the basic fees of \$8 or \$12 per night in addition to the class of camping rate on which the Rent-A-Camp site is located.
  - ii) Rent-A-Camp Tent at Class A Sites:  
\$8 or \$12 plus \$5 utility fee and \$10 camping fee per night per site at all sites having availability to showers, electricity and vehicular access.
- N) Rent-A-Camp Cabin areas will provide, at a basic cabin rental fee of \$25 per night, one 2-bedroom cabin with 2 bunk beds, one full-sized bed, ceiling fans, electric heaters, table with chairs, one charcoal grill, one picnic table, and one trash barrel. The total overnight fee for a Rent-A-Camp Cabin will be based on the basic fee plus Class specific utility and camping fees, as follows:
- i) Rent-A-Camp Cabins at Class A Sites:  
\$25 cabin rental plus \$5 utility fee and \$10 camping fee per night, per site at all sites having availability to showers and vehicular access.
  - ii) Rent-A-Camp Cabins at Class A Premium Sites:  
\$25 cabin rental plus \$5 utility fee and \$15 camping fee per night, per site at all sites having availability to showers and vehicular access.
- O) A \$5 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group campsites as well as individual site

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

reservations and individual Rent-A-Camp Cabin and individual Rent-A-Camp Tent reservations. In addition to the \$5 non-refundable fee, the first night's camping and utility fee is required at the time reservations are made.

- 2) Fall-Winter Camping (rates apply October 1 through April 30, except at the World Shooting Complex during sanctioned shooting events when camping is reserved for event participants via a licensing agreement between the event sponsor and the Department)
  - A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.
  - B) When cold weather requires closing down buildings and shutting off water in any Class A or B campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.
  - C) The fee for primitive campsites shall be \$6 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.
- b) Exceptions: Employees, Concessionaires, and Special Legislation
  - 1) Except for temporary employees of the Department of Natural Resources who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Natural Resources or any other State agency, regardless of their official status, will be required to pay the established camping fee.
  - 2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.
  - 3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805/5], is entitled to the following camping fee provisions, upon

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.

- A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday, or Thursday, at Class AA, A Premium, A, B-E Premium, B-E, B-S Premium, and B-S sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.
- B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class AA, A Premium, A, B-E Premium, B-E, B-S Premium and B-S sites on any Monday, Tuesday, Wednesday or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites. [Parents or legal guardians, aged 18 or over, of minors who have a current Class 2 Illinois Disabled Person Identification Card may register the campsite at the reduced rate specified in this subsection \(b\)\(3\)\(B\) for disabled persons, provided the disabled minor is present and camping at the same site as the parent or legal guardian.](#)
- C) An Illinois resident who is a disabled veteran or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (see 20 ILCS 2805/5).

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Special White-Tailed Deer Season for Disease Control
- 2) Code Citation: 17 Ill. Adm. Code 675
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
675.10	New Section
675.20	New Section
675.30	New Section
675.40	New Section
675.50	New Section
675.60	New Section
675.70	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) A Complete Description of the Subjects and Issues Involved: This Part provides hunting regulations for a special deer season (January 13-15, 2006) to help control chronic wasting disease in Boone, McHenry, Winnebago, and the northern part of DeKalb counties. Hunters with unfilled 2005 firearm, muzzleloader, or archery deer permits valid for one of the open counties may use those to hunt, or they may obtain a Special CWD Season permit (\$5) from the Permit Office. Check stations will be manned (as during the firearm deer season in those counties), and successful hunters who submit samples for CWD testing will be provided with an additional permit valid for the remainder of the season.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED RULES

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department neglected to list this Part on the July 2005 Regulatory Agenda.

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFE

## PART 675

## SPECIAL WHITE-TAILED DEER SEASON FOR DISEASE CONTROL

## Section

675.10	CWD Season
675.20	CWD Deer Permit Requirements
675.30	Weapon Requirements for CWD Deer Hunting Season
675.40	CWD Deer Hunting Rules
675.50	Reporting Harvest
675.60	Rejection of Application/Revocation of Permits
675.70	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 675.10 CWD Season**

- a) Season: One-half hour before sunrise on Friday, January 13, 2006 to sunset on Sunday, January 15, 2006. Shooting hours are ½ hour before sunrise to sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Hunting after sunset is a Class B misdemeanor (see 520 ILCS 5/2.24).
- b) Open counties: Boone, McHenry, Winnebago, and the portion of DeKalb County north of U.S. Highway 88 (East-West Tollway).
- c) Hunting outside the set season dates or without a valid permit for the area hunted is a Class B misdemeanor (see 520 ILCS 5/2.24).

**Section 675.20 CWD Deer Permit Requirements**

- a) Hunters must have an unfilled 2005 firearm or muzzleloader deer permit valid for one of the open counties (Boone, McHenry, DeKalb, or Winnebago); an unfilled

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED RULES

2005 archery deer permit; or a valid Chronic Wasting Disease (CWD) Season Deer Permit. A CWD Season Deer Permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled 2005 firearm or muzzleloader deer permits are valid only for the county or special hunt area for which they were originally issued, except that unfilled 2005 landowner property-only hunting firearm deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties. Unfilled 2005 archery deer permits are valid throughout all counties/portions of counties open to this special season, except that unfilled 2005 landowner property-only hunting archery deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties. For permit applications and other information write to:

Department of Natural Resources  
(CWD Deer Season)  
Deer Permit Office  
Post Office Box 19227  
Springfield IL 62794-9227

- b) Applications shall be accepted as soon as they are available through the tenth weekday in November for the CWD Deer Season in the following January. Applications received after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits issued in this drawing shall be antlerless-only.
- c) It shall be unlawful to apply for more than one permit for the CWD Deer Hunting Season during this drawing period.
- d) In-person and mail-in applications shall receive equal treatment in the drawings.
- e) Each applicant must apply using the official agency CWD Deer Season Permit Application, and must complete all portions of the form. No more than 6 individuals may submit applications in the same envelope, and each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications for other deer seasons to the Deer Permit Office.

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- f) Each applicant must enclose a separate \$5 check or money order payable to the Department of Natural Resources (Department or DNR), or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.
- g) Applications will be accepted at the counter window of the permit office; however, permits will be mailed.
- h) Permits are not transferable. Refunds will not be granted unless the Department has erroneously issued the permit after the quota has been depleted or if the applicant was unsuccessful in obtaining a permit.
- i) A \$3 service fee will be charged for replacement permits issued by the Department, except that, when permits are lost in the mail, there will be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- j) Recipients of the CWD Season Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- k) Successful hunters checking in their deer at the CWD Deer Season check station who provide tissue samples to the Department for CWD testing (or who attempt to do so, in situations where deer are unsuitable for testing) are eligible to receive an additional permit (either-sex) at no charge each time they check in a deer and submit samples. These permits, which are valid for the remainder of the season, will be issued at the time of check-in by check station personnel.
- l) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

**Section 675.30 Weapon Requirements for CWD Deer Hunting Season**

- a) The only legal weapons to take, or attempt to take, deer are shotguns, muzzleloading rifles, and handguns and their respective ammunitions as prescribed by 17 Ill. Adm. Code 650.30(a), (b) and (c); and bows and arrows as prescribed by 17 Ill. Adm. Code 670.30.
- b) Hunters with valid, unused permits from the 2005 firearm, muzzleloader, or archery seasons may use only the weapons allowed by that permit in those respective seasons. Hunters with a valid CWD Season Deer Permit may use any of the weapons described in subsection (a).

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- c) It shall be unlawful to use or possess any firearm, ammunition, or bow and arrow other than allowed by subsection (a) in the field while hunting white-tailed deer during the CWD Deer Hunting Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than deer hunters shall not be prohibited during the CWD Deer Hunting Season as set in Section 675.10. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

**Section 675.40 CWD Deer Hunting Rules**

- a) Persons using unfilled permits from the previous firearm, muzzleloader, or archery deer season (see Section 675.20(a)) may only take deer appropriate for that permit type (either-sex or antlerless-only).
- b) An either-sex permit holder is allowed to take a deer with or without antlers, and an antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- c) The bag limit is one deer per legally authorized either-sex or antlerless-only permit. Deer taken during the CWD Season are not subject to the antlered deer bag limit restrictions imposed during the firearm, muzzleloader and archery deer hunting seasons.
- d) The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length) and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon checking at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist's. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a

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permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

- e) Hunters shall not have in their possession, while in the field during the CWD Deer Hunting Season, any deer permit issued to another person (permits are non-transferrable).
- f) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as a single act, possession or course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

**Section 675.50 Reporting Harvest**

- a) The deer shall be taken whole (or field dressed) to a designated CWD Deer Hunting Season check station by the hunter in person by 8:00 p.m. of the day the deer was killed. If a hunter is not able to locate a harvested deer in sufficient time to enable checking in the deer by 8:00 p.m., the hunter must take the deer to the appropriate check station upon its opening (8:00 a.m.) the following morning, or immediately upon retrieving it if that occurs later than the opening of the check station. If this situation occurs on a Sunday (e.g., the check station will not be open on Monday), the hunter must contact the appropriate regional DNR Law Enforcement Office by 10:00 a.m. Monday morning for instructions on checking in the deer. Failure to follow this Section constitutes illegal possession of deer.
- b) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

**Section 675.60 Rejection of Application/Revocation of Permits**

- a) In the event that an applicant is in violation of one of subsections (a)(1) through (a)(4), the application will be held, and the application fees will be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application will be rejected and the fee will be retained by the Department. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned.

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- 1) Submitting more applications in the same name or by the same person for a CWD Deer Hunting Permit than the number of legally authorized permits. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
  - 2) Providing false and/or deceptive information on the deer permit application form. Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).
  - 3) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Violation is a Class A misdemeanor (see 520 ILCS 5/3.36).
  - 4) Submitting an incomplete or incorrect application.
- b) Any violation of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as described in 17 Ill. Adm. Code 2530.

**Section 675.70 Regulations at Various Department-Owned or -Managed Sites**

Sites will be opened to the CWD Deer Hunting Season only if the site is announced as being open via a public announcement. Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

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- 1) Heading of the Part: Late-Winter Deer Hunting Season
- 2) Code Citation: 17 Ill. Adm. Code 680
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
680.40	Amendment
680.50	Amendment
680.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are being made to this Part to: add language indicating that modern smokeless powders are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use; add language stating hunters must attach the temporary harvest tag in the manner prescribed on the permit and remove language pertaining to permanent harvest tags; and add language regarding reporting of harvest via the new telephone/internet harvest reporting system.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

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217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

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## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 680  
LATE-WINTER DEER HUNTING SEASON

## Section

680.10	Statewide Season
680.20	Statewide Deer Permit Requirements
680.25	Deer Permit Requirements – Free Landowner/Tenant Permits
680.30	Deer Permit Requirements – Group Hunt
680.40	Statewide Firearm Requirements for Late-Winter Deer Hunting
680.50	Statewide Deer Hunting Rules
680.60	Reporting Harvest
680.70	Rejection of Application/Revocation of Permits
680.80	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2197, effective January 26, 2004; amended at 28 Ill. Reg. 15503, effective November 19, 2004; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 680.40 Statewide Firearm Requirements for Late-Winter Deer Hunting**

- a) The only legal firearms to take, or attempt to take, deer are:
  - 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or

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- 2) A single or double barreled muzzleloading rifle of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length; or
  - 3) centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer.
- b) Standards and specifications for legal ammunition are:
- 1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.
  - 2) The only legal ammunition for a centerfire handgun is a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches, or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle. Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or "blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle. A wad or sleeve is not considered a projectile or part of a projectile.
  - 3) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- c) Standards and specifications for use of muzzleloading firearms are as follows:
- 1) A muzzleloading firearm is defined as a ~~blackpowder~~ firearm that is incapable of being loaded from the breech end.
  - 2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved blackpowder substitute only in muzzleloading firearms that are

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specifically designed for their use~~do not qualify as a "black powder substitute".~~

- 3) Percussion caps, wheel lock~~wheelock~~, matchlock or flint type ignition only may be used.
  - 4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.
- d) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Late-Winter Deer Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than deer hunters shall not be prohibited during the Late-Winter deer season as set in Section 680.10. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 680.50 Statewide Deer Hunting Rules**

- a) The bag limit is one antlerless deer per legally authorized permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long.
- b) The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed in Section 680.60 and on the permit.~~The temporary harvest tag must be attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon checking at the check station. If the deer head is delivered to a taxidermist for processing, the temporary harvest tag must be removed from the leg and must remain with the head while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful~~

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~~acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.~~

- c) Hunters shall not have in their possession, while in the field during the Late-Winter deer season, any deer permit issued to another person (permits are non-transferrable).
- d) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Disease Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.
- e) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as a single act or possession or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 680.60 Reporting Harvest**

- a) ~~Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. They will be provided with a confirmation number to verify that they checked in their harvest. This number must be written by the hunter on the temporary harvest tag (leg tag). The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is: Deer shall be checked in by the hunter in person within 48 hours after taking a deer at the Late-Winter deer check station in the county for which the permit was issued or in an adjoining county.~~

1) For a buck: head with antlers attached to carcass or attached testicle,

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scrotum, or penis.

2) For a doe: head attached to carcass or attached udder (mammary) or vulva.

b) The temporary harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer, the deer has been checked in, and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist's. If the carcass is taken to a meat processor, the temporary harvest tag (leg tag) with confirmation number must remain with the deer while it is processed and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.

c) Site specific reporting requirements must be followed in addition to this Section.

~~d)~~ Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Youth Hunting Seasons
- 2) Code Citation: 17 Ill. Adm. Code 685
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
685.30	Amendment
685.40	Amendment
685.50	Amendment
685.90	Repeal
685.100	Repeal
685.120	Repeal
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add language indicating that modern smokeless powders are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use and modifying language to allow for the use of the new telephone/internet harvest reporting system. Additionally, three Sections (Heritage Youth Wild Turkey Hunt-Spring Season, Youth Pheasant Hunting, Youth Dove Hunting), are being repealed because language regarding youth hunts has been incorporated into the rules governing these species (17 Ill. Adm. Code 710, 17 Ill. Adm. Code 530 and 17 Ill. Adm. Code 730).
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel

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Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 685  
YOUTH HUNTING SEASONS

## Section

685.10	Statewide Season for White-Tailed Deer Hunting
685.20	Statewide Deer Permit Requirements
685.30	Statewide Firearm Requirements for Hunting the Youth Deer Season
685.40	Statewide Deer Hunting Rules
685.50	Reporting Harvest of Deer
685.60	Rejection of Application/Revocation of Deer Permits
685.70	Regulations at Various Department-Owned or -Managed Sites
685.80	Youth White-Tailed Deer Hunt
685.90	Heritage Youth Wild Turkey Hunt – Spring Season <u>(Repealed)</u>
685.100	Youth Pheasant Hunting <u>(Repealed)</u>
685.110	Youth Waterfowl Hunting
685.120	Youth Dove Hunting <u>(Repealed)</u>

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. 6904, effective May 21, 2001; amended at 26 Ill. Reg. 4418, effective March 11, 2002; amended at 26 Ill. Reg. 13828, effective September 5, 2002; amended at 27 Ill. Reg. 14332, effective August 25, 2003; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 685.30 Statewide Firearm Requirements for Hunting the Youth Deer Season**

- a) Specifications of legal firearms and their respective legal ammunition for the Youth Deer Hunt are:
  - 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs;
  - 2) A single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in

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length;

- 3) The minimum size of the firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or part of the projectile. Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- b) The standards and specifications for use of such muzzleloading firearms are as follows:
- 1) A muzzleloading firearm is defined as a ~~black powder~~ firearm that is incapable of being loaded from the breech end.
  - 2) Only black powder or a black powder substitute such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved black powder substitute only in muzzleloading firearms that are specifically designed for their use ~~do not qualify as a "black powder substitute"~~.
  - 3) Percussion caps, wheellock, matchlock or flint type ignition only may be used.
  - 4) Removal of percussion cap, or removal of prime powder from frizzen pan with frizzen open and hammer all the way down, or removal of prime powder from flashpan and wheel un-wound, or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.
- c) It shall be a Class B misdemeanor (see 520 ILCS 5/2.24) to use or possess any type of firearm or ammunition in the field other than those specifically authorized by this rule while hunting white-tailed deer during the Youth Deer Hunting Season, but archery deer hunters in possession of a valid archery deer permit may hunt during this season provided that, in county or counties open to youth deer hunting, they wear the orange garments required of gun deer hunters. The otherwise lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than youth deer hunters or their supervisors shall not be prohibited during the Youth Deer Hunting Season as set in Section 685.10.

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(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.40 Statewide Deer Hunting Rules**

- a) Bag limits: One antlerless deer per legally authorized permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
- b) Each hunter participating in the Youth Deer Hunt must be accompanied by a nonhunting supervisor (parent, guardian, or responsible adult) who has in his or her possession a valid Firearm Owners Identification (FOID) Card. The nonhunting supervisor must wear the orange garments required of gun deer hunters, and must remain with the hunting youth so as to have the youth under immediate control. Each supervisor may only accompany a single youth at any given time during the hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.
- c) The leg tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer in the manner prescribed in Section 685.50 and on the permit. ~~The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a taxidermist or tanner for processing must supply the taxidermist or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).~~
- d) Hunters shall not have in their possession, while in the field during the Youth Deer Season, any deer permit issued to another person (permits are non-transferrable). Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
- e) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 685.50 Reporting Harvest of Deer**

- a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. They will be provided with a confirmation number to verify that they checked in their harvest. This number must be written by the hunter on the temporary harvest tag (leg tag). The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is: Deer shall be checked in by the hunter in person by 8:00 p.m. the same day the deer is harvested at the authorized county Youth Deer check station.
- 1) For a buck: head with antlers attached to carcass or attached testicle, scrotum, or penis.
  - 2) For a doe: head attached to carcass or attached udder (mammary) or vulva.
- b) The temporary harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer, the deer has been checked in, and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist's. If the carcass is taken to a meat processor, the temporary harvest tag (leg tag) with confirmation number must remain with the deer while it is processed and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.
- c) Site specific reporting requirements must be followed in addition to this Section.
- d)b) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

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(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.90 Heritage Youth Wild Turkey Hunt – Spring Season (Repealed)****a) ~~Turkey Permit Requirements—Heritage Youth Turkey Hunt~~**

- ~~1) The Heritage Youth Wild Turkey Hunt is open only to Illinois residents under the age of 16 at the start of the Heritage Youth Wild Turkey Hunt. All participating youths must have completed a Department approved Hunter Education course. All youth hunters must have a current, valid Heritage Youth Wild Turkey Hunt Permit (\$10). For permit application and other information write to:  
  
Illinois Department of Natural Resources  
Youth Turkey Hunt  
One Natural Resources Way  
P.O. Box 19227  
Springfield IL 62794-9227~~
- ~~2) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.~~
- ~~3) Each applicant must complete the official Department Heritage Youth Wild Turkey Permit application.~~
- ~~4) The season dates, open counties and open public sites will be determined annually by the Director of the Illinois Department of Natural Resources. The number of permits issued will be in addition to the established county permit quotas. The dates of the application period for permits will be publicly announced annually by the Department.~~
- ~~5) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.~~
- ~~6) If more than one application for an Illinois Heritage Youth Wild Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.~~

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- 7) ~~A \$3 service fee will be charged for replacement permits issued by the Department.~~
  - 8) ~~Each Illinois Heritage Youth Wild Turkey Hunt Permit holder is required to be accompanied by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (FOID) Card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.~~
  - 9) ~~The Heritage Youth Wild Turkey Hunt Permit will only be valid for the dates and counties listed on the permit. Each youth must also possess a valid Illinois hunting license prior to hunting, unless exempt.~~
  - 10) ~~Turkey hunting seminars covering turkey hunting safety and aspects of turkey hunting will be made available to participating youths. Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.9).~~
  - 11) ~~Permits issued for the Heritage Youth Wild Turkey Hunt will be counted in the number of permits a person can be issued for the regular Spring Wild Turkey Season.~~
- b) Turkey Hunting Regulations
- It is unlawful:
- 1) ~~to use live or electronic turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);~~
  - 2) ~~to take any wild turkey except a hen with a visible beard or a gobbler (male). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);~~
  - 3) ~~to take, or attempt to take, more than three wild turkeys during the spring season, and hunters must have a valid permit for each turkey that is taken;~~

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- 4) ~~to use any hunting device except a shotgun or bow and arrow. #4 shot is the largest and #7½ is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbless and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blades must be metal or flint, chert, or obsidian knapped; broadheads with expandable blades must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);~~
- 5) ~~to hunt except from ½ hour before sunrise to 1:00 p.m. during each day of the season. Hunting after 1 p.m. is a Class B misdemeanor (see 520 ILCS 5/2.9). Hunting prior to ½ hour before sunrise is a Class A misdemeanor, with a minimum \$500 fine and a maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y));~~
- 6) ~~for any person having taken the legal limit of wild turkeys to further participate with a hunting device in any hunting party for the purpose of taking additional wild turkeys. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);~~
- 7) ~~for any person to possess, while in the field during wild turkey season, any turkey permit issued to another person (permits are non-transferable). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);~~
- 8) ~~to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Immediately upon kill and before the turkey is moved, transported or field dressed, the hunter must cut out the designated notch on the leg tag to invalidate it, and the tag must be affixed to the turkey. Successful hunters must register their harvest by 3:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone number provided with their turkey hunting permit. Hunters must provide all information requested by the telephone check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally~~

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~~took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field-dressed) until it has been checked in. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9); and~~

- 9) ~~for any person to shoot a wild turkey while it is in a tree before 7:00 a.m. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9).~~

(Source: Repealed at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.100 Youth Pheasant Hunting (Repealed)**a) ~~Permit Requirements~~

- 1) ~~Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.~~
- 2) ~~Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.~~
- 3) ~~The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information write to:~~

~~Illinois Department of Natural Resources  
Youth Pheasant Hunt  
One Natural Resources Way  
P. O. Box 19457  
Springfield IL 62794-9457~~

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- 4) ~~Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Edward R. Madigan State Park, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Lee County Conservation Area (Green River), Moraine View State Park, Wayne Fitzgerald (Rend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangehris Lake State Park and Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Area).~~

b) ~~Hunting Regulations~~

- 1) ~~At the following sites, the Illinois Youth Pheasant Hunt will be held on:~~
- A) ~~the Saturday preceding the opening of the statewide upland game season:~~
- ~~Mackinaw River State Fish and Wildlife Area~~
- B) ~~the first Sunday of the site's controlled pheasant hunting season:~~
- ~~Chain O'Lakes State Park~~
- ~~Des Plaines Conservation Area~~
- ~~Eldon Hazlet State Park (Carlyle Lake)~~
- ~~Lee County Conservation Area (Green River)~~
- ~~Iroquois County Conservation Area~~
- ~~Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit~~
- ~~Moraine View State Park~~
- ~~Sand Ridge State Forest~~

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~~Wayne Fitzgerald State Park (Rend Lake)~~

- C) ~~the Sunday following the opening of the statewide upland game season:~~

~~Edward R. Madigan State Park~~~~Sangechris Lake State Park~~

- D) ~~the second Sunday following the opening of the statewide upland game season:~~

~~Horseshoe Lake State Park (Madison County)~~

- E) ~~the Sunday preceding Thanksgiving Day:~~

~~Richland County Controlled Pheasant Hunting Area~~

- 2) ~~Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangechris Lake hunting hours are from 12 noon to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 10:00 a.m. and 10:30 a.m. at Sangechris Lake State Park).~~
- 3) ~~All hunters must be between the ages of 10-15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangechris Lake and Edward R. Madigan State Park.~~
- 4) ~~All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) Card, the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.~~
- 5) ~~Supervising adults are required to wear a cap and upper outer garment of~~

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~~solid and vivid blaze orange of a least 400 square inches. Hunters must wear a back patch issued by the check station.~~

- 6) ~~Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.~~
- 7) ~~All hunting must be done with shotguns. Only shot shells with a shot size of #5 lead, tungsten iron, tungsten polymer, tungsten matrix, #4 bismuth or #3 steel or tin or smaller may be used, except at Chain O' Lakes State Park, Eldon Hazlet State Park, Lee County Conservation Area (Green River) and Wayne Fitzgerald State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of #3 steel or tin, #4 bismuth, #5 tungsten iron, tungsten polymer, tungsten matrix or smaller may be used.~~
- 8) ~~Daily limit.~~
  - A) ~~Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Horseshoe Lake State Park (Madison County) and Sand Ridge State Forest.~~
  - B) ~~Two cock pheasants only at Lee County Conservation Area (Green River), Moraine View State Park, Mackinaw River State Fish and Wildlife Area and Chain O' Lakes State Park.~~
  - C) ~~Statewide Upland Game Limits at Sangechris Lake State Park, Edward R. Madigan State Park and Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit.~~
- 9) ~~All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasant until the pheasant is finally prepared for consumption.~~
- 10) ~~Violation of this subsection (b) is a petty offense (see 520 ILCS 5/2.6).~~

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(Source: Repealed at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.120 Youth Dove Hunting (Repealed)**

- a) ~~A one-day Youth Dove Hunt will be held the first weekend day in September or Labor Day, whichever comes first, at the following sites:~~
- ~~Horseshoe Lake State Park (Madison County)~~
- ~~Silver Springs State Park~~
- ~~Stephen A. Forbes State Park~~
- b) ~~A one-day youth/adult dove hunt will be held the first weekend day in September or Labor Day, whichever comes first, where both the youth and adult will be permitted to hunt at the following sites:~~
- ~~Kankakee River State Park~~
- ~~Lake Shelbyville—Kaskaskia and West Okaw Wildlife Management Area~~
- ~~Maekinaw River State Fish and Wildlife Area (only non-toxic shot, as defined by the U.S. Fish and Wildlife Service in 50 CFR 20, #6 steel shot or #7½ bismuth shot or smaller may be possessed)~~
- ~~Mt. Vernon Game Farm~~
- ~~Ramsey Lake State Park~~
- ~~Sam Parr State Park~~
- ~~Sangehris Lake State Park~~
- c) ~~Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:00 a.m.~~
- d) ~~Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land~~

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~~at the site; and the number of employees available to work at the site.~~

- e) ~~All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.~~
- f) ~~Applicants must be between the ages of 10-15 inclusive, with a valid Illinois hunting license.~~
- g) ~~Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) Card, the supervising adult is required to have a FOID Card. Only one supervising adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid FOID Card. All adult hunters must have a valid FOID card. The supervising adults shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.~~
- h) ~~Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.~~
- i) ~~Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.18).~~

(Source: Repealed at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
300.330	Amendment
300.615	Amendment
300.620	Amendment
300.625	New Section
300.626	New Section
300.627	New Section
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues: The Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300) regulates nursing home licensure. This rulemaking is being undertaken to implement Public Act 94-163, enacted by the General Assembly to regulate identified offenders in long-term care facilities. This rulemaking also replaces emergency rules filed by the Department on July 12, 2005.

Section 300.330 (Definitions) is being amended to include a definition of “identified offender.” Section 300.615 (Determination of Need Screening) is being amended to require facilities to determine whether a prospective resident is a registered sex offender or meets the definition of identified offender, conduct a criminal background check, and determine whether the facility is able to care for the prospective resident if he/she is an identified offender. Section 300.620 (Admission and Discharge Policies) is being amended to require nursing homes to ensure that identified offenders meet all of the requirements of Section 300.615 and a new Section 300.625. Section 300.625 (Identified Offenders) adds the minimum requirements that nursing homes must meet in order to admit identified offenders as residents and provisions for the identification of identified offenders who are current residents. Section 300.626 (Discharge Planning for Identified Offenders) is being added to list the minimum requirements facilities must fulfill with regard to discharges and transfers of identified offenders. Section 300.627 (Transfer of an Identified Offender) is being added to require the full disclosure of the status of identified offenders when they are transferred between facilities regulated by the Department, the Department of Healthcare and Families Services, and the Department of Human Services.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

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- 6) Will this rulemaking replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
300.120	Amendment	29 Ill. Reg. 1785; 2/4/05

- 10) Statement of Statewide Policy Objectives: This rulemaking will require expenditures by facilities that are operated by units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue after the *Illinois Register* to:

Susan Meister  
 Division of Legal Services  
 Illinois Department of Public Health  
 535 West Jefferson St., 5<sup>th</sup> Floor  
 Springfield, Illinois 62761

217/782-2043  
 e-mail: rules@idph.state.il.us

- 12) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Long-Term Care Facilities
- B) Reporting, bookkeeping or other procedures required for compliance: Facilities will be required to inform the Department of the presence of identified offenders under their care. They will be required to also inform local law enforcement and to post a notice visible to staff, residents and visitors alerting people to the presence of an identified offender. Residents or residents' guardians also must be alerted, and written documentation of compliance with these rules must be maintained.

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the need for the rulemaking was not apparent when the two most recent regulatory agendas were published.

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

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
300.288	Reduction or Waiver of Penalties

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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 <a href="#">and Request for Criminal History Record Information</a>
300.620	Admission, <a href="#">Retention</a> and Discharge Policies
<a href="#">300.625</a>	<a href="#">Identified Offenders</a>
<a href="#">300.626</a>	<a href="#">Discharge Planning for Identified Offenders</a>
<a href="#">300.627</a>	<a href="#">Transfer of an Identified Offender</a>
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
300.684	Emergency Use of Physical Restraints
300.686	Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690	Serious Incidents and Accidents
300.695	Contacting Local Law Enforcement
300.696	Infection Control

DEPARTMENT OF PUBLIC HEALTH

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SUBPART D: PERSONNEL

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

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

- Section
- 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
- 300.1060 Vaccinations

SUBPART F: NURSING AND PERSONAL CARE

- Section
- 300.1210 General Requirements for Nursing and Personal Care
- 300.1220 Supervision of Nursing Services
- 300.1230 Staffing
- 300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

- Section
- 300.1410 Activity Program
- 300.1420 Specialized Rehabilitation Services
- 300.1430 Work Programs
- 300.1440 Volunteer Program
- 300.1450 Language Assistance Services

SUBPART H: MEDICATIONS

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## Section

- 300.1610 Medication Policies and Procedures
- 300.1620 Compliance with Licensed Prescriber's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

## SUBPART I: RESIDENT AND FACILITY RECORDS

## Section

- 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
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
- 300.1870 Retention of Facility Records
- 300.1880 Other Facility Record Requirements

## SUBPART J: FOOD SERVICE

## Section

- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services
- 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
- 300.2110 Kitchen Equipment, Utensils, and Supplies

## SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

## Section

- 300.2210 Maintenance
- 300.2220 Housekeeping
- 300.2230 Laundry Services

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SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- Section  
300.2410 Furnishings  
300.2420 Equipment and Supplies  
300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

- Section  
300.2610 Codes  
300.2620 Water Supply  
300.2630 Sewage Disposal  
300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS  
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

- 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  
300.2930 Plumbing Systems  
300.2940 Electrical Systems

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

- Section  
300.3010 Applicability

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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
300.3110	Structural
300.3120	Mechanical Systems
300.3130	Plumbing Systems
300.3140	Electrical Requirements

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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; 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,

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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 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; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 300.330 Definitions**

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The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

*Abuse – any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)*

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

*Access – the right to:*

*Enter any facility;*

*Communicate privately and without restriction with any resident who consents to the communication;*

*Seek consent to communicate privately and without restriction with any resident;*

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*Inspect the clinical and other records of a resident with the express written consent of the resident;*

*Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)*

Act – as used in this Part, the Nursing Home Care Act [210 ILCS 45].

Activity Program – a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior – the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Adaptive Equipment – a physical or mechanical device, material or equipment attached or adjacent to the resident's body that may restrict freedom of movement or normal access to one's body, the purpose of which is to permit or encourage movement, or to provide opportunities for increased functioning, or to prevent contractures or deformities. Adaptive equipment is not a physical restraint. No matter the purpose, adaptive equipment does not include any device, material or method described in Section 300.680 of this Part as a physical restraint.

Addition – any construction attached to the original building which increases the area or cubic content of the building.

Adequate – enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning – a notice to a facility issued by the Department under Section 300.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator – the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

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Advocate – a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

*Affiliate – means:*

*With respect to a partnership, each partner thereof.*

*With respect to a corporation, each officer, director and stockholder thereof.*

*With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)*

Aide or Orderly – any person providing direct personal care, training or habilitation services to residents.

Alteration – any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident – a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

*Applicant – any person making application for a license. (Section 1-107 of the Act)*

Appropriate – term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment – the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist – a person who is licensed as an audiologist under the Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].

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Autism – a syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave – an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel – all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement – when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification – treatment to be used to establish or change behavior patterns.

Cerebral Palsy – a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX – the issuance of a document by the Department to the Department of Health and Human Services or the Department of [Healthcare and Family Services](#) ~~Public Aid~~ verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse – a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

*Chemical Restraint* – ~~any~~*Any* drug that is *used for discipline or convenience and is not required to treat medical symptoms* or behavior manifestations of mental illness. (Section 2-106 of the Act)

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Child Care/Habilitation Aide – any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered by the Department of [Financial and Professional Regulation](#) to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives – service programs in the community provided as an alternative to institutionalization.

Continuing Care Contract – a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract – a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Convenience – the use of any restraint by the facility to control resident behavior or maintain a resident, which is not in the resident's best interest, and with less use of the facility's effort and resources than would otherwise be required by the facility. This definition is limited to the definition of chemical restraint and Section 300.680 of this Part.

Corporal Punishment – painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident – failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse.

Dentist – any person licensed to practice dentistry, including persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act [225 ILCS 25].

Department – as used in this Part means the Illinois Department of Public Health.

Developmental Disabilities (DD) Aide – any person who provides nursing, personal or habilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered to render medical care. Other titles often used to refer to

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DD Aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

*Developmental Disability – means a severe, chronic disability of a person which:*

*is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;*

*is manifested before the person attains age 22;*

*is likely to continue indefinitely;*

*results in substantial functional limitations in 3 or more of the following areas of major life activity:*

*self-care,*

*receptive and expressive language,*

*learning,*

*mobility,*

*self-direction,*

*capacity for independent living, and*

*economic self-sufficiency; and*

*reflects the person's need for combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. (Section 3-801.1 of the Act)*

Dietetic Service Supervisor – a person who:

is a dietitian; or

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is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution which included consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the programs in the second, third or fourth paragraph of this definition.

Dietitian – a person who is a licensed dietitian as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30].

Direct Supervision – work performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

*Director – the Director of the Department of Public Health or designee.* (Section 1-110 of the Act)

Director of Nursing Service – the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

*Discharge – the full release of any resident from a facility.* (Section 1-111 of the Act)

Discipline – any action taken by the facility for the purpose of punishing or penalizing residents.

Distinct Part – an entire, physically identifiable unit consisting of all of the beds

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within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

*Emergency – a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)*

Epilepsy – a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Existing Long-Term Care Facility – any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Intermediate Care – a facility ~~that~~which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities ~~that~~which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled – when used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled.

*Facility or Long-Term Care Facility – a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code [55 ILCS 5], or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act (42 USCA*

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1395 et seq. and 1936 et seq.). *It also includes homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs.* A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. *"Facility" does not include the following:*

*A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois other than homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs;*

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

*Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];*

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

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

*Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;*

*Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135];*

*Any supportive residence licensed under the Supportive Residences Licensing Act [210 ILCS 65];*

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*Any supportive living facility in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code [305 ILCS 5/5-5.01a~~5-01a~~];*

*Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act [210 ILCS 9]; or*

*An Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act [210 ILCS 3]. (Section 1-113 of the Act)*

Facility, Long-Term Care, for Residents Under 22 Years of Age – when used in this Part is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total habilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care – when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance and personal care.

Facility, Skilled Nursing – when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post-acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility – having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time – means on duty a minimum of 36 hours, four days per week.

Goal – an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body – the policy-making authority, whether an individual or a group,

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that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

*Guardian – a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 [755 ILCS 5].*

(Section 1-114 of the Act)

Habilitation – an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health ~~Information Management Consultant~~~~information management consultant~~ – a person who is certified as a Registered Health Information Administrator (RHIA) or a Registered Health Information Technician (RHIT) by the American Health Information Management Association; or is a graduate of a school of health information management that is accredited jointly by the American Medical Association and the American Health Information Management Association.

Health Services Supervisor (Director of Nursing Service) – the full-time Registered Nurse who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged – any facility ~~that~~~~which~~ is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 [805 ILCS 105]; or, by a county pursuant to Division 5-22 of the Counties Code [55 ILCS 5]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes; and ~~that~~~~which~~ provides maintenance, personal care, nursing or sheltered care to three or more residents, ~~90~~~~ninety~~ percent of whom are 60 or more years of age.

Hospitalization – the care and treatment of a person in a hospital as an inpatient.

*Identified Offender – a person who has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act, is a registered sex offender, or is serving a term of parole, mandatory supervised release, or probation for a felony offense. (Section 1-114.01 of the Act)*

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Individual Education Program (IEP) – a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) – a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Interdisciplinary Team – a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) at least one member of the team shall be a Qualified Mental Retardation Professional. The Interdisciplinary Team includes the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator – a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70].

Licensed Practical Nurse – a person with a valid Illinois license to practice as a practical nurse.

*Licensee – the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)*

Life Care Contract – a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

*Maintenance – food, shelter, and laundry services. (Section 1-116 of the Act)*

Maladaptive Behavior – impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social

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adjustment.

Mentally Retarded and Mental Retardation – subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property – using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory – unable to walk independently or without assistance, but able to move from place to place with the use of a device such as a walker, crutches, a wheelchair, or a wheeled platform.

Mobile Resident – any resident who is able to move about either independently or with the aid of an assistive device such as a walker, crutches, a wheelchair, or a wheeled platform.

Monitor – a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

*Neglect – a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition.* (Section 1-117 of the Act) Neglect means the failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious;  
or

a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

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New Long-Term Care Facility – any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization – the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

*Nurse – a registered nurse or a licensed practical nurse as defined in the Nursing and Advanced Practice Nursing Act [225 ILCS 65]. (Section 1-118 of the Act)*

Nursing Assistant – any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of [Financial and Professional Regulation](#) to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care – a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit – a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective – an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) – a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act [225

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ILCS 75].

Occupational Therapy Assistant – a person who is registered as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator – the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury – occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight – general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

*Owner – the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)*

Person – any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

*Personal Care – assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his person, whether or not a guardian has been appointed for such individual. (Section 1-120 of the Act)*

Pharmacist, Registered – a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant

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pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

*Physical Restraint – any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, which the individual cannot remove easily and which restricts freedom of movement or normal access to one's body. (Section 2-106 of the Act)*

Physical Therapist Assistant – a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist – a person who is registered as a physical therapist under the Illinois Physical Therapy Act [225 ILCS 90].

Physician – any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

Probationary License – an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Psychiatrist – a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist – a person who is licensed to practice clinical psychology under the Clinical Psychologist Licensing Act [225 ILCS 15].

Qualified Mental Retardation Professional – a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

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Qualified Professional – a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

*Reasonable Visiting Hours – any time between the hours of 10 a.m. and 8 p.m. daily. (Section 1-121 of the Act)*

Registered Nurse – a person with a valid license to practice as a registered professional nurse under the Nursing and Advanced Practice Nursing Act.

*Repeat Violation – ~~for~~ purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that an accepted plan of correction was not complied with, within a period of not more than twelve months from the issuance of the initial violation. A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility. (Section 3-305(7) of the Act)*

Reputable Moral Character – having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

*Resident – person residing in and receiving personal care from a facility. (Section 1-122 of the Act)*

Resident Services Director – the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

*Resident's Representative – a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a*

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*resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed.* (Section 1-123 of the Act)

Restorative Care – a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Room – a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Sanitization – the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory – same as adequate.

Seclusion – the retention of a resident alone in a room with a door that the resident cannot open.

Self Preservation – the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

*Sheltered Care – maintenance and personal care.* (Section 1-124 of the Act)

Social Worker – a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

State Fire Marshal – the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization – the act or process of destroying completely all forms of microbial life, including viruses.

*Stockholder of a Corporation – any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation.* (Section 1-125 of the Act)

Story – when used in this Part, means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the

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topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

*Student Intern* – means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

*an academic credit requirement in a high school or undergraduate institution;* or

*immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)*

**Substantial Compliance** – meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.140(a)(3) and 300.150(a)(3).

**Substantial Failure** – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 300.165(b)(1).

**Sufficient** – same as adequate.

**Supervision** – authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity.

**Therapeutic Recreation Specialist** – a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

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Time Out – removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

*Title XVIII – Title XVIII of the Federal Social Security Act as now or hereafter amended.* (Section 1-126 of the Act)

*Title XIX – Title XIX of the Federal Social Security Act as now or hereafter amended.* (Section 1-127 of the Act)

*Transfer – a change in status of a resident's living arrangements from one facility to another facility.* (Section 1-128 of the Act)

*Type A Violation – a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom.* (Section 1-129 of the Act)

*Type B Violation – a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident.* (Section 1-130 of the Act)

Unit – an entire physically identifiable residence area having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

Universal Progress Notes – a common record with periodic narrative documentation by all persons involved in resident care.

Valid License – a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: POLICIES

**Section 300.615 Determination of Need Screening and Request for Criminal History Record Information**

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- a) For the purpose of this Section only, a nursing facility is any bed licensed as a skilled nursing or intermediate care facility bed, or a location certified to participate in the Medicare program under Title XVIII of the Social Security Act or Medicaid program under Title XIX of the Social Security Act.
- b) *All persons seeking admission to a nursing facility must be screened to determine the need for nursing facility services prior to being admitted, regardless of income, assets, or funding source.* (Section 2-201.5(a) of the Act) A screening assessment is not required provided one of the conditions in Section 140.642(c) of the ~~Department of Public Aid's~~ rules of the Department of Healthcare and Family Services titled ~~entitled~~ "Medical Payment" (89 Ill. Adm. Code 140.642(c)) is met.
- c) *Any person who seeks to become eligible for medical assistance from the Medical Assistance program under the Illinois Public Aid Code to pay for long-term care services while residing in a facility shall be screened in accordance with 89 Ill. Adm. Code 140.642(b)(4).* (Section 2-201.5(a) of the Act)
- d) *Screening shall be administered through procedures established by administrative rule by the agency responsible for screening.* (Section 2-201.5(a) of the Act) The Illinois Department on Aging is responsible for the screening required in subsection (b) of this Section for individuals 60 years of age or older who are not developmentally disabled or do not have a severe mental illness. The Illinois Department of Human Services is responsible for the screening required in subsection (b) of this Section for all individuals 18 through 59 years of age and for individuals 60 years of age or older who are developmentally disabled or have a severe mental illness. The Illinois Department of Healthcare and Family Services~~Public Aid~~ or its designee is responsible for the screening required in subsection (c) of this Section.
- e) *In addition to the screening required by Section 2-201.5(a) of the Act and this Section, identified offenders who seek admission to a licensed facility shall not be admitted unless the licensed facility complies with the requirements of this Section and Section 300.625 of this Part.* (Section 2-201.5(b) of the Act)
- f) Screening must include the following:
- 1) The facility shall check for the individual's name on the Illinois Sex Offender Registration website at [www.isp.state.il.us](http://www.isp.state.il.us) and the Illinois Department of Corrections sex registrant search page at

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[www.idoc.state.il.us](http://www.idoc.state.il.us) to determine if the individual is listed as a registered sex offender;

- 2) The facility shall provide a questionnaire, prescribed by the Department, to be completed by the individual or his/her representative, asking whether the individual is a registered sex offender; is serving a term of parole, mandatory supervised release, or probation for a felony offense; or has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act (Section 1-114.01 of the Act);
  - 3) The facility shall request criminal history record information in accordance with the Uniform Conviction Information Act (UCIA) [20 ILCS 2635]. Persons may be admitted to facilities while the results of a criminal history record information request are pending; and
  - 4) If the individual has a felony conviction and was in the custody of the Department of Corrections, the facility shall request the social evaluation prepared by the Department of Corrections pursuant to Section 3-8-2 of the Unified Code of Corrections [730 ILCS 5/3-8-2].
- g) The facility must review the screenings and all supporting documentation to determine whether the recommended placement of an identified offender is appropriate under Sections 300.620 and 300.625 of this Part. The facility is responsible for the development of a plan of care appropriate to the needs of the identified offender, in accordance with Section 300.625 of this Part. Information compiled concerning identified offenders must not be further disseminated except to the resident, law enforcement agencies, the parole office, the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation, and other facilities licensed or regulated by the Department, the Illinois Department of Healthcare and Family Services, or the Illinois Department of Human Services.
- h) The facility shall inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation within 48 hours after receiving verification from the Illinois State Police that a prospective or newly admitted resident is an identified offender.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 300.620 Admission, Retention and Discharge Policies**

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- a) All involuntary discharges and transfers shall be in accordance with Sections~~Section~~ 3-401 through 3-423 of the Act.
- b) An individual who needs services that are not readily available in a particular facility, or through arrangement with a qualified outside resource, shall not be admitted to or kept in that facility. The Department defines a "qualified outside source" as one recognized as meeting professional standards for services provided.
- c) Each facility shall have a policy concerning the admission of persons needing prenatal and/or maternity care, and a policy concerning the keeping of such persons who become pregnant while they are residents of the facility. If these policies permit such persons to be admitted to or kept in the facility, then the facility shall have a policy concerning the provision of adequate and appropriate prenatal and maternity care to such individuals from in-house and/or outside resources. (See Section 300.3220.)
- d) No person~~resident~~ shall be admitted to or kept in the facility:
- 1) Who is at risk because the person is reasonably expected to self-inflict serious physical harm or to inflict serious physical harm on another person in the near future, as determined by professional evaluation;~~;~~
  - 2) Who is destructive of property, if the destruction jeopardizes the safety of him/herself or others;or;
  - 3) Who is an identified offender, unless the requirements of Section 300.615(f) and (g) for new admissions and the requirements of Section 300.625 are met.
- e) No resident shall be admitted to the facility who is developmentally disabled and who needs programming for such conditions, as described in the rules governing intermediate care facilities for the developmentally disabled (77 Ill. Adm. Code 350). Such persons shall be admitted only to facilities licensed as intermediate care facilities for the developmentally disabled under 77 Ill. Adm. Code 350 or, if the person is under 18, to a long-term care facility for persons under 22 years of age that is licensed under 77 Ill. Adm. Code 390. Persons from 18 to 21 years of age in need of such care may be kept in either facility.

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- f) Persons under 18 years of age may not be cared for in a facility for adults without prior written approval from the Department.
- g) A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident or, if the resident is incompetent, by the resident's guardian.
- h) If a resident insists on being discharged and is discharged against medical advice, the facts involved in the situation shall be fully documented in the resident's clinical record.
- i) Persons with communicable, contagious, or infectious diseases may be admitted under the conditions and in accordance with the procedures specified in Section 300.1020.
- j) A facility shall not admit more residents than the number authorized by the license issued to it.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 300.625 Identified Offenders**

- a) On or before January 1, 2006, the facility must require each current resident or resident's representative to complete a questionnaire, prescribed by the Department, asking whether the resident is a registered sex offender; is serving a term of parole, mandatory supervised release, or probation for a felony offense; or has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act. (Section 1-114.01 of the Act)
- b) If identified offenders are residents of a facility, the facility shall comply with all of the following requirements:
  - 1) For those residents who are identified as offenders through either the questionnaire required by subsection (a), the comparison of residents with the Department of State Police and Department of Corrections web sites required by Section 3-202.3(3) of the Act, or through actual knowledge possessed by the facility, the facility must initiate a request for criminal history record information in accordance with the Uniform Conviction Information Act. Criminal history record information also shall be requested for individuals who refuse to complete the questionnaire.

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- 2) The facility shall inform the appropriate county and local law enforcement offices of the identity of identified offenders who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense who are residents of the facility. If a resident of a licensed facility is an identified offender, any federal, State, or local law enforcement officer or county probation officer shall be permitted reasonable access to the individual resident to verify compliance with the requirements of the Sex Offender Registration Act or to verify compliance with applicable terms of probation, parole, or mandatory supervised release. (Section 2-110 of the Act) Reasonable access under this provision shall not interfere with the identified offender's medical or psychiatric care.
- 3) The facility staff shall meet with local law enforcement officials to discuss the need for and to develop, if needed, policies and procedures to address the presence of facility residents who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense, including compliance with Section 300.695 of this Part.
- 4) The facility must conspicuously post or display, in an area of its offices accessible to staff, current and prospective residents, family members, and visitors, notification, prescribed by the Department, that an identified offender is residing at the facility. The facility must direct specific inquiries about identified offenders to the Illinois Sex Offender Registration website at [www.isp.state.il.us](http://www.isp.state.il.us), the Illinois Department of Corrections sex registrant search page at [www.idoc.state.il.us](http://www.idoc.state.il.us), the Department of State Police, or local law enforcement agencies.
- 5) The facility shall notify every resident or resident's guardian in writing that such offenders are residents of the facility. (Section 2-216 of the Act)
- 6) If the identified offender is on probation or parole status, the facility must contact the resident's probation or parole officer, acknowledge the terms of release, update contact information with the probation or parole office, and maintain updated contact information in the resident's record. The record must also include the resident's criminal history record.
- 7) The facility must inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation if the probation

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officer has not, within three days after the identified offender becomes a resident, provided the facility with copies of the following:

- A) pre-sentence investigation reports or social investigation reports;
- B) any applicable probation orders and corresponding compliance plans;
- C) the name and contact information for the assigned probation officer. (Section 12(11) of the Probation and Probation Officers Act [730 ILCS 110]).

- c) The facility must inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in writing within 48 hours after determining that a resident or residents of the licensed facility are listed on the Illinois Department of Corrections or Illinois State Police registered sex offender databases (Section 3-202.3 of the Act).
- d) Facilities must maintain written documentation of compliance with Section 300.615(f) of this Part and subsection (a) of this Section.
- e) Facilities must annually complete all of the steps required in subsection (b) of this Section for identified offenders. This requirement does not apply to residents who have not been discharged from the facility during the previous 12 months.
- f) For current residents who are identified offenders, the facility must conduct a risk assessment and review the screenings of the identified offender to determine the appropriateness of retention in the facility in accordance with subsection (h).
- g) Upon admission of an identified offender to a facility or a decision to retain an identified offender in a facility, the facility, in consultation with the medical director and law enforcement, must specifically address the resident's needs in an individualized plan of care that reflects the risk assessment of the individual, in accordance with subsection (h) of this Section.
- h) In conducting a risk assessment of an identified offender and developing a plan of care, the facility shall consider the following:
  - 1) The care and supervision needs, if any, specific to the individual's criminal offense;

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- 2) The results of the screening conducted pursuant to Section 300.615 of this Part;
  - 3) The amount of supervision required by the individual to ensure the safety of all residents, staff and visitors in the facility;
  - 4) The physical and mental abilities of the individual;
  - 5) The current medical assessments of the individual;
  - 6) The individual's needs in relation to his or her status as an identified offender;
  - 7) Approaches to resident care that are proactive and are appropriate and effective in dealing with any behaviors specific to the identified offense; and
  - 8) The number and qualifications of staff needed to meet the needs of the individual and the required level of supervision at all times.
- i) The care planning of identified offenders shall include a description of the security measures necessary to protect facility residents from the identified offender, including whether the identified offender should be segregated from other residents. (Section 3-202.3(5) of the Act) If the facility's risk assessment determines that an identified offender must have his or her own room, then all the criteria of this subsection must be met.
- 1) The room must be in direct view of the main nurses' station;
  - 2) The room must be separate from rooms of residents who are at risk; and
  - 3) The resident must not share his or her room or bathroom with any other resident.
- j) The facility must evaluate care plans quarterly for identified offenders for appropriateness and effectiveness of the portions specific to the identified offense and must document such review. The facility must modify the care plan if necessary in response to this evaluation.

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- k) Incident reports must be submitted to the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in compliance with Section 300.690 of this Part. The facility must review its placement determination of identified offenders based on incident reports involving the identified offender. In incident reports involving identified offenders, the facility must identify whether the incident involves substance abuse, aggressive behavior, or inappropriate sexual behavior, as well as any other behavior or activity that would be reasonably likely to cause harm to the identified offender or others. If the facility cannot protect the other residents from misconduct by the identified offender, then the facility shall transfer or discharge the identified offender in accordance with Section 300.3300 of this Part.
- l) The facility must notify the appropriate local law enforcement agency, [the Illinois Prisoner Review Board](#), or the Department of Corrections of the incident and whether it involved substance abuse, aggressive behavior, or inappropriate sexual behavior that would necessitate relocation of that resident.
- m) The facility must develop procedures for implementing changes in resident care and facility policies when the resident no longer meets the definition of identified offender.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 300.626 Discharge Planning for Identified Offenders**

- a) All discharges and transfers shall be in accordance with Section 300.3300 of this Part.
- b) A facility that admits or retains an identified offender shall have in place policies and procedures for the discharge of an identified offender for reasons related to the individual's status as an identified offender, including, but not limited to:
- 1) The facility's inability to meet the needs of the resident, based on Section 300.615(g) and Section 300.625 of this Part;
  - 2) The facility's inability to provide the security measures necessary to protect facility residents, staff and visitors; or
  - 3) The physical safety of the resident, other residents, the facility staff, or facility visitors.

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- c) Discharge planning shall be included as part of the plan of care developed in accordance with Section 300.625(h).

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 300.627 Transfer of an Identified Offender**

- a) All discharges and transfers shall be in accordance with Section 300.3300 of this Part.
- b) When a resident who is an identified offender is transferred to another facility regulated by the Department, the Department of Healthcare and Family Services, or the Department of Human Services, the transferring facility must notify the Department and the receiving facility that the individual is an identified offender before making the transfer.
- c) This notification must include all of the documentation required under Section 300.625 of this Part, and the transferring facility must provide this information to the receiving facility to complete the discharge planning.
- d) If the following information has been provided to the transferring facility from the Department of Corrections, the transferring facility shall provide copies to the receiving facility before making the transfer:
- 1) *The mittimus and any pre-sentence investigation reports;*
  - 2) *The social evaluation prepared pursuant to Section 3-8-2 of the Unified Code of Corrections [730 ILCS 5/3-8-2];*
  - 3) *Any pre-release evaluation conducted pursuant to subsection (j) of Section 3-6-2 of the Unified Code of Corrections [730 ILCS 5/3-6-2];*
  - 4) *Reports of disciplinary infractions and dispositions;*
  - 5) *Any parole plan, including orders issued by the Illinois Prisoner Review Board and any violation reports and dispositions; and*
  - 6) *The name and contact information for the assigned parole agent and parole supervisor. (Section 3-14-1 of the Unified Code of Corrections)*

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- e) The information required by this Section shall be provided upon transfer. This information must not be further disseminated, except to the resident, law enforcement agencies, the parole office, the Department, and facilities licensed or regulated by the Department, the Illinois Department of Healthcare and Family Services, or the Illinois Department of Human Services.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
330.330	Amendment
330.715	New Section
330.720	Amendment
330.725	New Section
330.726	New Section
330.727	New Section
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues: The Sheltered Care Facilities Code (77 Ill. Adm. Code 330) regulates sheltered care facilities licensure. This rulemaking is being undertaken to implement Public Act 94-163, enacted by the General Assembly to regulate identified offenders in long-term care facilities. This rulemaking also replaces emergency rules filed by the Department on July 12, 2005.

Section 330.330 (Definitions) is being amended to include a definition of "identified offender." Section 330.715 (Pre-admission Assessment and Request for Criminal History Record Information) is being added to require facilities to determine whether a prospective resident is a registered sex offender or meets the definition of identified offender, conduct a criminal background check, and determine whether the facility is able to care for the prospective resident if he/she is an identified offender. Section 330.720 (Admission and Discharge Policies) is being amended to require nursing homes to ensure that identified offenders meet all of the requirements of Section 330.715 and a new Section 330.725. Section 330.725 (Identified Offenders) adds the minimum requirements that nursing homes must meet in order to admit identified offenders as residents and provisions for the identification of identified offenders who are current residents. Section 330.726 (Discharge Planning for Identified Offenders) is being added to list the minimum requirements facilities must fulfill with regard to discharges and transfers of identified offenders. Section 330.727 (Transfer of an Identified Offender) is being added to require the full disclosure of the status of identified offenders when they are transferred between facilities regulated by the Department, the Department of Healthcare and Families Services, and the Department of Human Services.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

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- 6) Will this rulemaking replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
330.120	Amendment	29 Ill. Reg. 1785 – 2/4/05

- 10) Statement of Statewide Policy Objectives: This rulemaking will require expenditures by facilities that are operated by units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister  
 Division of Legal Services  
 Illinois Department of Public Health  
 535 West Jefferson St., 5<sup>th</sup> Floor  
 Springfield, Illinois 62761

217/782-2043  
 e-mail: rules@idph.state.il.us

- 12) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Long-Term Care Facilities
- B) Reporting, bookkeeping or other procedures required for compliance: Facilities will be required to inform the Department of the presence of identified offenders under their care. They will be required to also inform local law enforcement and to post a notice visible to staff, residents and visitors alerting people to the presence of an identified offender. Residents or residents' guardians also must be alerted, and written documentation of compliance with these rules must be maintained.

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the need for the rulemaking was not apparent when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments 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
330.286	Determination to Assess Penalties

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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
<a href="#">330.715</a>	<a href="#">Pre-admission Assessment and Request for Criminal History Record Information</a>
330.720	Admission and Discharge Policies
<a href="#">330.725</a>	<a href="#">Identified Offenders</a>
<a href="#">330.726</a>	<a href="#">Discharge Planning for Identified Offenders</a>
<a href="#">330.727</a>	<a href="#">Transfer of an Identified Offender</a>
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	Serious Incidents and Accidents
330.785	Contacting Local Law Enforcement
330.790	Infection Control
330.795	Language Assistance Services

## SUBPART D: PERSONNEL

Section	
330.910	Personnel
330.911	Health Care Worker Background Check
330.913	Nursing and Personal Care Assistants (Repealed)

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- 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

## 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

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- 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

## Section

- 330.2610 Codes
- 330.2620 Water Supply
- 330.2630 Sewage Disposal
- 330.2640 Plumbing

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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

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

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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

## 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

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- 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
- 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

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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, 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; amended

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at 29 Ill. Reg. 12891, effective August 2, 2005; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 330.330 Definitions**

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

*Abuse – any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)*

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual ~~assault~~ [Assault](#).

*Access – the right to:*

*Enter any facility;*

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*Communicate privately and without restriction with any resident who consents to the communication;*

*Seek consent to communicate privately and without restriction with any resident;*

*Inspect the clinical and other records of a resident with the express written consent of the resident;*

*Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)*

Act – as used in this Part, the Nursing Home Care Act [210 ILCS 45].

Activity Program – a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior – the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Adaptive Equipment – a physical or mechanical device, material or equipment attached or adjacent to the resident's body that may restrict freedom of movement or normal access to one's body, the purpose of which is to permit or encourage movement, or to provide opportunities for increased functioning, or to prevent contractures or deformities. Adaptive equipment is not a physical restraint. No matter the purpose, adaptive equipment does not include any device, material or method described in Section 330.1145 as a physical restraint.

Addition – any construction attached to the original building which increases the area or cubic content of the building.

Adequate – enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning – a notice to a facility issued by the Department under

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Section 330.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator – the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate – a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

*Affiliate – means:*

*With respect to a partnership, each partner thereof.*

*With respect to a corporation, each officer, director and stockholder thereof.*

*With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)*

Aide or Orderly – any person providing direct personal care, training or habilitation services to residents.

Alteration – any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident – a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

*Applicant – any person making application for a license. (Section 1-107 of the Act)*

Appropriate – term used to indicate that a requirement is to be applied according

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to the needs of a particular individual or situation.

Assessment – the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist – a person who is licensed as an audiologist under the Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].

Autism – a syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave – an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel – all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement – when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification – treatment to be used to establish or change behavior patterns.

Cerebral Palsy – a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX – the issuance of a document by the Department to the Department of Health and Human Services or the Department of [Healthcare and Family Services](#) ~~Public Aid~~ verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

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Charge Nurse – a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

*Chemical Restraint* – any drug that is used for discipline or convenience and is not required to treat medical symptoms or behavior manifestations of mental illness. (Section 2-106 of the Act)

Child Care/Habilitation Aide – any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives – service programs in the community provided as an alternative to institutionalization.

Continuing Care Contract – a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract – a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Convenience – the use of any restraint by the facility to control resident behavior or maintain a resident, which is not in the resident's best interest, and with less use of the facility's effort and resources than would otherwise be required by the facility. This definition is limited to the definition of chemical restraint and Section 330.1145 of this Part.

Corporal Punishment – painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident – failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse.

Dentist – any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act [225 ILCS 25].

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Department – as used in this Part means the Illinois Department of Public Health.

Developmental Disabilities (DD) Aide – any person who provides nursing, personal or habilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered to render medical care. Other titles often used to refer to DD Aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

*Developmental Disability – means a severe, chronic disability of a person which:*

*is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;*

*is manifested before the person attains age 22;*

*is likely to continue indefinitely;*

*results in substantial functional limitations in 3 or more of the following areas of major life activity:*

*self-care,*

*receptive and expressive language,*

*learning,*

*mobility,*

*self-direction,*

*capacity for independent living, and*

*economic self-sufficiency; and*

*reflects the person's need for combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and*

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*coordinated.* (Section 3-~~801.1801~~ of the Act)

Dietetic Service Supervisor – a person who:

is a dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the programs in the second, third or fourth paragraph of this definition.

Dietitian – a person who is a licensed dietitian as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30].

Direct Supervision – work performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

*Director* – the Director of the Department of Public Health or designee. (Section 1-110 of the Act)

Director of Nursing Service – the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

*Discharge* – the full release of any resident from a facility. (Section 1-111 of the

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Act)

Discipline – any action taken by the facility for the purpose of punishing or penalizing residents.

Distinct Part – an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

*Emergency – a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)*

Epilepsy – a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Existing Long-Term Care Facility – any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Intermediate Care – a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled – when used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled.

*Facility or Long-Term Care Facility – a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22*

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*of the Counties Code [55 ILCS 5], or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act (42 USCA 1395 et seq. and 1936 et seq.). It also includes homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs. A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "Facility" does not include the following:*

*A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois other than homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs;*

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

*Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];*

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

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

*Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;*

*Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act [210*

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ILCS 135];

*Any supportive residence licensed under the Supportive Residences Licensing Act [210 ILCS 65];*

*Any supportive living facility in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code [305 ILCS 5/5-5.01a];*

*Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act [210 ILCS 9]; or*

*An Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act [210 ILCS 3]. (Section 1-113 of the Act)*

Facility, Long-Term Care, for Residents Under 22 Years of Age – when used in this Part is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total habilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care – when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance and personal care.

Facility, Skilled Nursing – when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post-acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility – having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time – on duty a minimum of 36 hours, four days per week.

Goal – an expected result or condition that involves a relatively long period of

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time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body – the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

*Guardian – a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 [755 ILCS 5].*  
(Section 1-114 of the Act)

Habilitation – an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health ~~Information Management Consultant~~~~information management consultant~~ – a person who is certified as a Registered Health Information Administrator (RHIA) or a Registered Health Information Technician (RHIT) by the American Health Information Management Association; or is a graduate of a school of health information management that is accredited jointly by the American Medical Association and the American Health Information Management Association.

Health Services Supervisor (Director of Nursing Service) – the full-time Registered Nurse who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged – any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 [805 ILCS 105]; or by a county pursuant to Division 5-22 of the Counties Code [55 ILCS 5]; or pursuant to a trust or endowment established for nonprofit, charitable purposes; and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization – the care and treatment of a person in a hospital as an inpatient.

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*Identified Offender – a person who has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act, is a registered sex offender, or is serving a term of parole, mandatory supervised release, or probation for a felony offense. (Section 1-114.01 of the Act)*

Individual Education Program (IEP) – a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) – a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Interdisciplinary Team – a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) at least one member of the team shall be a Qualified Mental Retardation Professional. The Interdisciplinary Team includes the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator – a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70].

Licensed Practical Nurse – a person with a valid Illinois license to practice as a practical nurse.

*Licensee – the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)*

Life Care Contract – a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

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*Maintenance – food, shelter, and laundry services.* (Section 1-116 of the Act)

Maladaptive Behavior – impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Mentally Retarded and Mental Retardation – subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property – using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory – unable to walk independently or without assistance, but able to move from place to place with the use of a device such as a walker, crutches, a wheelchair, or a wheeled platform.

Mobile Resident – any resident who is able to move about either independently or with the aid of an assistive device such as a walker, crutches, a wheelchair, or a wheeled platform.

Monitor – a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

*Neglect – a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition.* (Section 1-117 of the Act) Neglect means the failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or medical condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious;  
or

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a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

**New Long-Term Care Facility** – any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

**Normalization** – the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

*Nurse* – a registered nurse or a licensed practical nurse as defined in the *Nursing and Advanced Practice Nursing Act* [225 ILCS 65]. (Section 1-118 of the Act)

**Nursing Assistant** – any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of [Financial and Professional Regulation](#) to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

**Nursing Care** – a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

**Nursing Unit** – a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

**Objective** – an expected result or condition that involves a relatively short period

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of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) – a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act [225 ILCS 75].

Occupational Therapy Assistant – a person who is registered as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator – the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury – occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight – general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

*Owner – the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)*

Person – any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

*Personal Care – assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his person,*

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*whether or not a guardian has been appointed for such individual.* (Section 1-120 of the Act)

Pharmacist, Registered – a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

*Physical Restraint – any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, which the individual cannot remove easily and which restricts freedom of movement or normal access to one's body.* (Section 2-106 of the Act)

Physical Therapist Assistant – a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist – a person who is registered as a physical therapist under the Illinois Physical Therapy Act [225 ILCS 90].

Physician – any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

Probationary License – an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Psychiatrist – a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist – a person who is licensed to practice clinical psychology under the Clinical Psychologist Licensing Act [225 ILCS 15].

Qualified Mental Retardation Professional – a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields:  
occupational therapy, physical therapy, psychology, social work, speech or

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language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional – a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

*Reasonable Visiting Hours – any time between the hours of 10 A.M. and 8 P.M. daily. (Section 1-121 of the Act)*

Registered Nurse – a person with a valid Illinois license to practice as a registered professional nurse under the Nursing and Advanced Practice Nursing Act.

*Repeat Violation – ~~for~~ purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that an accepted plan of correction was not complied with, within a period of not more than twelve months from the issuance of the initial violation. A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility. (Section 3-305(7) of the Act)*

Reputable Moral Character – having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

*Resident – person residing in and receiving personal care from a facility. (Section 1-122 of the Act)*

Resident Services Director – the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination

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and monitoring of the residents' overall plans of care in an intermediate care facility.

*Resident's Representative* – a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

Restorative Care – a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Room – a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Sanitization – the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory – same as adequate.

Seclusion – the retention of a resident alone in a room with a door that the resident cannot open.

Self Preservation – the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

*Sheltered Care* – maintenance and personal care. (Section 1-124 of the Act)

Social Worker<sub>5</sub> – a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

State Fire Marshal – the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization – the act or process of destroying completely all forms of microbial life, including viruses.

*Stockholder of a Corporation* – any person who, directly or indirectly,

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*beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)*

Story – when used in this Part, means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

*Student Intern – means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:*

*an academic credit requirement in a high school or undergraduate institution; or*

*immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)*

Substantial Compliance – meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 330.140(a)(3) and 330.150(a)(3).

Substantial Failure – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 330.165(b)(1).

Sufficient – same as adequate.

Supervision – authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity.

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Therapeutic Recreation Specialist – a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out – removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

*Title XVIII – Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)*

*Title XIX – Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)*

*Transfer – a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)*

*Type A Violation – a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)*

*Type B Violation – a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)*

Unit – an entire physically identifiable residence area having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

Universal Progress Notes – a common record with periodic narrative documentation by all persons involved in resident care.

Valid License – a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## SUBPART C: POLICIES

**Section 330.715 Pre-admission Assessment and Request for Criminal History Record Information**

- a) Identified offenders who seek admission to a licensed facility shall not be admitted unless the licensed facility complies with the requirements of this Section and Section 330.725 of this Part. (Section 2-201.5(b) of the Act)
- b) Assessment must include the following:
- 1) The facility shall check for the individual's name on the Illinois Sex Offender Registration website at [www.isp.state.il.us](http://www.isp.state.il.us) and the Illinois Department of Corrections sex registrant search page at [www.idoc.state.il.us](http://www.idoc.state.il.us) to determine if the individual is listed as a registered sex offender;
  - 2) The facility shall provide a questionnaire, prescribed by the Department, to be completed by the individual or his/her representative, asking whether the individual is a registered sex offender; is serving a term of parole, mandatory supervised release, or probation for a felony offense; or has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act. (Section 1-114.01 of the Act);
  - 3) The facility shall request criminal history record information in accordance with the Uniform Conviction Information Act (UCIA) [20 ILCS 2635]. Persons may be admitted to facilities while the results of a criminal history record request are pending; and
  - 4) If the individual has a felony conviction and was in the custody of the Department of Corrections, the facility shall request the social evaluation prepared by the Department of Corrections pursuant to Section 3-8-2 of the Unified Code of Corrections [730 ILCS 5/3-8-2].
- c) The facility must review the assessments and all supporting documentation to determine whether the recommended placement of an identified offender is appropriate under Sections 330.720 and 330.725 of this Part. The facility is responsible for the development of a plan of care appropriate to the needs of the identified offender, in accordance with Section 330.725 of this Part. Information

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compiled concerning identified offenders must not be further disseminated except to the resident, law enforcement agencies, the parole office, the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation, and other facilities licensed or regulated by the Department, the Illinois Department of Healthcare and Family Services, or the Illinois Department of Human Services.

- d) The facility shall inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation within 48 hours after receiving verification from the Illinois State Police that a prospective or newly admitted resident is an identified offender.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 330.720 Admission and Discharge Policies**

- a) All involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act.
- b) No resident determined by professional evaluation to be in need of nursing care shall be admitted to or kept in a sheltered care facility. Neither shall any such resident be kept in a distinct part designated and classified for sheltered care.
- c) Homes in Chicago licensed as Residential Care (Half-Way) Homes shall only accept and keep persons requiring residential care. Residential care is defined as maintenance and oversight. Oversight is defined as general watchfulness and appropriate action to meet the total needs of residents, exclusive of nursing or personal care, as defined in Chapter 136.1 of the "Municipal Code of the City of Chicago-". Oversight shall include, at a minimum, social, recreational, and employment opportunities for residents who, by reason of previous physical or mental disability, or in the opinion of a licensed physician, are in need of residential care.
- d) Each facility shall have a policy concerning the admission of persons needing prenatal or maternity care, and a policy concerning the keeping of such persons who become pregnant while they are residents of the facility. If these policies permit such persons to be admitted to, or kept in the facility, then the facility shall have a policy concerning the provision of adequate and appropriate prenatal and maternity care to such individuals from in-house or outside resources.

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- e) No ~~person~~resident shall be admitted to or kept in the facility:
- 1) Who is at risk because the person is reasonably expected to self-inflict serious physical harm or to inflict serious physical harm on another person in the near future, as determined by professional evaluation;
  - 2) Who is destructive of property and that destruction jeopardizes the safety of her/himself or others; ~~or~~
  - 3) Who has serious mental or emotional problems based on medical diagnosis; or
  - 4) Who is an identified offender, unless the assessment requirements of Section 330.715(b) and (c) for new admissions and the requirements of Section 330.725 are met.
- f) Children under 18 years of age shall not be cared for in a facility for adults.
- g) A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident himself or, if the resident is incompetent, by the resident's guardian.
- h) No resident shall be admitted with a communicable, contagious or infectious disease as set forth in Section 330.1130 of this Part.
- i) A facility shall not admit more residents than the number authorized by the license issued to it.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 330.725 Identified Offenders**

- a) On or before January 1, 2006, the facility must require each current resident or resident's representative to complete a questionnaire, prescribed by the Department, asking whether the resident is a registered sex offender; is serving a term of parole, mandatory supervised release, or probation for a felony offense; or has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act. (Section 1-114.01 of the Act)

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- b) If identified offenders are residents of a facility, the facility shall comply with all of the following requirements:
- 1) For those residents who are identified as offenders through either the questionnaire required by subsection (a), the comparison of residents with the Department of State Police and Department of Corrections web sites required by Section 3-202.3(3) of the Act, or through actual knowledge possessed by the facility, the facility must initiate a request for criminal history record information in accordance with the Uniform Conviction Information Act. Criminal history record information also shall be requested for individuals who refuse to complete the questionnaire.
  - 2) The facility shall inform the appropriate county and local law enforcement offices of the identity of identified offenders who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense who are residents of the facility. *If a resident of a licensed facility is an identified offender, any federal, State, or local law enforcement officer or county probation officer shall be permitted reasonable access to the individual resident to verify compliance with the requirements of the Sex Offender Registration Act or to verify compliance with applicable terms of probation, parole, or mandatory supervised release.* (Section 2-110 of the Act) Reasonable access under this provision shall not interfere with the identified offender's medical or psychiatric care.
  - 3) The facility staff shall meet with local law enforcement officials to discuss the need for and to develop, if needed, policies and procedures to address the presence of facility residents who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense, including compliance with Section 330.785 of this Part.
  - 4) The facility must conspicuously post or display, in an area of its offices accessible to staff, current and prospective residents, family members, and visitors, notification, prescribed by the Department, that an identified offender is residing at the facility. The facility must direct specific inquiries about identified offenders to the Illinois Sex Offender Registration website at [www.isp.state.il.us](http://www.isp.state.il.us), the Illinois Department of Corrections sex registrant search page at [www.idoc.state.il.us](http://www.idoc.state.il.us), the Department of State Police, or local law enforcement agencies.

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- 5) The facility shall notify every resident or resident's guardian in writing that such offenders are residents of the facility. (Section 2-216 of the Act)
- 6) If the identified offender is on probation or parole status, the facility must contact the resident's probation or parole officer, acknowledge the terms of release, update contact information with the probation or parole office, and maintain updated contact information in the resident's record. The record must also include the resident's criminal history record.
- 7) The facility must inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation if the probation officer has not, within three days after the identified offender becomes a resident, provided the facility with copies of the following:
- A) pre-sentence investigation reports or social investigation reports;
- B) any applicable probation orders and corresponding compliance plans;
- C) the name and contact information for the assigned probation officer. (Section 12(11) of the Probation and Probation Officers Act [730 ILCS 110]).
- c) The facility must inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in writing within 48 hours after determining that a resident or residents of the licensed facility are listed on the Illinois Department of Corrections or Illinois State Police registered sex offender databases (Section 3-202.3 of the Act).
- d) Facilities must maintain written documentation of compliance with Section 330.715(b) of this Part and subsection (a) of this Section.
- e) Facilities must annually complete all of the steps required in subsection (b) of this Section for identified offenders. This requirement does not apply to residents who have not been discharged from the facility during the previous 12 months.
- f) For current residents who are identified offenders, the facility must conduct a risk assessment and review the screenings of the identified offender to determine the appropriateness of retention in the facility in accordance with subsection (h).

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- g) Upon admission of an identified offender to a facility or a decision to retain an identified offender in a facility, the facility, in consultation with the medical director and law enforcement, must specifically address the resident's needs in an individualized plan of care that reflects the risk assessment of the individual, in accordance with subsection (h) of this Section.
- h) In conducting a risk assessment of an identified offender and developing a plan of care, the facility shall consider the following:
- 1) The care and supervision needs, if any, specific to the individual's criminal offense;
  - 2) The results of the screening conducted pursuant to Section 330.715 of this Part;
  - 3) The amount of supervision required by the individual to ensure the safety of all residents, staff and visitors in the facility;
  - 4) The physical and mental abilities of the individual;
  - 5) The current medical assessments of the individual;
  - 6) The individual's needs in relation to his or her status as an identified offender;
  - 7) Approaches to resident care that are proactive and are appropriate and effective in dealing with any behaviors specific to the identified offense; and
  - 8) The number and qualifications of staff needed to meet the needs of the individual and the required level of supervision at all times.
- i) The care planning of identified offenders shall include a description of the security measures necessary to protect facility residents from the identified offender, including whether the identified offender should be segregated from other residents. (Section 3-202.3(5) of the Act) If the facility's risk assessment determines that an identified offender must have his or her own room, then all the criteria of this subsection must be met.
- 1) The room must be separate from rooms of residents who are at risk; and

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- 2) The resident must not share his or her room or bathroom with any other resident.
- j) The facility must evaluate care plans quarterly for identified offenders for appropriateness and effectiveness of the portions specific to the identified offense and must document such review. The facility must modify the care plan if necessary in response to this evaluation.
- k) Incident reports must be submitted to the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in compliance with Section 330.780 of this Part. The facility must review its placement determination of identified offenders based on incident reports involving the identified offender. In incident reports involving identified offenders, the facility must identify whether the incident involves substance abuse, aggressive behavior, or inappropriate sexual behavior, as well as any other behavior or activity that would be reasonably likely to cause harm to the identified offender or others. If the facility cannot protect the other residents from misconduct by the identified offender, then the facility shall transfer or discharge the identified offender in accordance with Section 330.4300 of this Part.
- l) The facility must notify the appropriate local law enforcement agency, [the Illinois Prisoner Review Board](#), or the Department of Corrections of the incident and whether it involved substance abuse, aggressive behavior, or inappropriate sexual behavior that would necessitate relocation of that resident.
- m) The facility must develop procedures for implementing changes in resident care and facility policies when the resident no longer meets the definition of identified offender.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 330.726 Discharge Planning for Identified Offenders**

- a) All discharges and transfers shall be in accordance with Section 330.4300 of this Part.
- b) A facility that admits or retains an identified offender shall have in place policies and procedures for the discharge of an identified offender for reasons related to the individual's status as an identified offender, including, but not limited to:

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- 1) The facility's inability to meet the needs of the resident, based on Section 330.715(c) and Section 330.725 of this Part;
  - 2) The facility's inability to provide the security measures necessary to protect facility residents, staff and visitors; or
  - 3) The physical safety of the resident, other residents, the facility staff, or facility visitors.
- c) Discharge planning shall be included as part of the plan of care developed in accordance with Section 330.725(h).

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 330.727 Transfer of an Identified Offender**

- a) All discharges and transfers shall be in accordance with Section 330.4300 of this Part.
- b) When a resident who is an identified offender is transferred to another facility regulated by the Department, the Department of Healthcare and Family Services, or the Department of Human Services, the transferring facility must notify the Department and the receiving facility that the individual is an identified offender before making the transfer.
- c) This notification must include all of the documentation required under Section 330.725 of this Part, and the transferring facility must provide this information to the receiving facility to complete the discharge planning.
- d) If the following information has been provided to the transferring facility from the Department of Corrections, the transferring facility shall provide copies to the receiving facility before making the transfer:
  - 1) The mittimus and any pre-sentence investigation reports;
  - 2) The social evaluation prepared pursuant to Section 3-8-2 of the Unified Code of Corrections [730 ILCS 5/3-8-2];

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- 3) *Any pre-release evaluation conducted pursuant to subsection (j) of Section 3-6-2 of the Unified Code of Corrections [730 ILCS 5/3-6-2];*
  - 4) *Reports of disciplinary infractions and dispositions;*
  - 5) *Any parole plan, including orders issued by the Illinois Prisoner Review Board and any violation reports and dispositions; and*
  - 6) *The name and contact information for the assigned parole agent and parole supervisor. (Section 3-14-1 of the Unified Code of Corrections)*
- e) The information required by this Section shall be provided upon transfer. This information must not be further disseminated, except to the resident, law enforcement agencies, the parole office, the Department, and facilities licensed or regulated by the Department, the Illinois Department of Healthcare and Family Services, or the Illinois Department of Human Services.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Illinois Veterans' Homes Code
- 2) Code Citation: 77 Ill. Adm. Code 340
- 3)
 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
340.1000	Amendment
340.1305	New Section
340.1310	Amendment
340.1315	New Section
340.1316	New Section
340.1317	New Section
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues: The Illinois Veterans' Homes Code (77 Ill. Adm. Code 340) regulates nursing home licensure. This rulemaking is being undertaken to implement Public Act 94-163, enacted by the General Assembly to regulate identified offenders in long-term care facilities. This rulemaking also replaces emergency rules filed by the Department on July 12, 2005.

Section 340.1000 (Definitions) is being amended to include a definition of "identified offender." Section 340.1305 (Pre-admission Assessment and Request for Criminal History Record Information) is being added to require facilities to determine whether a prospective resident is a registered sex offender or meets the definition of identified offender, conduct a criminal background check, and determine whether the facility is able to care for the prospective resident if he/she is an identified offender. Section 340.1310 (Admission and Discharge Policies) is being amended to require nursing homes to ensure that identified offenders meet all of the requirements of Section 340.1305 and a new Section 340.1315. Section 340.1315 (Identified Offenders) adds the minimum requirements that nursing homes must meet in order to admit identified offenders as residents and provisions for the identification of identified offenders who are current residents. Section 340.1316 (Discharge Planning for Identified Offenders) is being added to list the minimum requirements facilities must fulfill with regard to discharges and transfers of identified offenders. Section 340.1317 (Transfer of an Identified Offender) is being added to require the full disclosure of the status of identified offenders when they are transferred between facilities regulated by the Department, the Department of Healthcare and Families Services, and the Department of Human Services.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

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- 6) Will this rulemaking replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
340.1120	Amendment	29 Ill. Reg. 1811 – 2/4/05

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 11) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson St., 5<sup>th</sup> Floor  
Springfield, Illinois 62761

217/782-2043  
e-mail: rules@idph.state.il.us

- 12) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Long-Term Care Facilities
- B) Reporting, bookkeeping or other procedures required for compliance: Facilities will be required to inform the Department of the presence of identified offenders under their care. They will be required to also inform local law enforcement and to post a notice visible to staff, residents and visitors alerting people to the presence of an identified offender. Residents or residents' guardians also must be alerted, and written documentation of compliance with these rules must be maintained.

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the need for the rulemaking was not apparent when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments 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 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
<a href="#">340.1305</a>	<a href="#">Pre-admission Assessment and Request for Criminal History Record Information</a>
340.1310	Admission, <a href="#">Retention</a> and Discharge Policies
<a href="#">340.1315</a>	<a href="#">Identified Offenders</a>
<a href="#">340.1316</a>	<a href="#">Discharge Planning for Identified Offenders</a>

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<u>340.1317</u>	<u>Transfer of an Identified Offender</u>
340.1320	Disaster Preparedness
340.1330	Serious 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
340.1535	Dental Programs
340.1540	Life-Sustaining Treatments
340.1550	Obstetrical and Gynecological Care
340.1560	Nursing Personnel

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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
340.1840	Confidentiality of Resident's Records

## SUBPART H: FOOD SERVICE

Section

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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 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,

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2005, for a maximum of 150 days; amended at 29 Ill. Reg. 12924, effective August 2, 2005; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 340.1000 Definitions**

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

*Abuse – any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)*

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

| *Access – The ~~right to~~Right To:*

| *Enter ~~any facility~~Any Facility;*

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*Communicate privately and without restriction with any resident who consents to the communication;*

*Seek consent to communicate privately and without restriction with any resident;*

*Inspect the clinical and other records of a resident with the express written consent of the resident;*

*Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)*

Act – as used in this Part, the Nursing Home Care Act [210 ILCS 45].

Activity Program – a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior – the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Adaptive Equipment – a physical or mechanical device, material or equipment attached or adjacent to the resident's body that may restrict freedom of movement or normal access to one's body, the purpose of which is to permit or encourage movement, or to provide opportunities for increased functioning, or to prevent contractures or deformities. Adaptive equipment is not a physical restraint. No matter the purpose, adaptive equipment does not include any device, material or method described in Section 340.1580 as a physical restraint.

Adequate – enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning – a notice to a facility issued by the Department under Section 340.1220 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a Type A or Type B violation.

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Administrator – the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate – a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

*Affiliate – means:*

*With respect to a partnership, each partner thereof.*

*With respect to a corporation, each officer, director and stockholder thereof.*

*With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)*

Aide – any person providing direct personal care, training or habilitation services to residents.

Applicant – any person making application for a license. (Section 1-107 of the Act)

Appropriate – term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment – the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist – a person who is licensed as an audiologist under the Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].

Autoclave – an apparatus for sterilizing by superheated steam under pressure.

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Certification for Title XVIII and XIX – the issuance of a document by the Department to the Department of Health and Human Services or the Department of ~~Healthcare and Family Services~~ ~~Public Aid~~ verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse – a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

*Chemical Restraint – any drug that is used for discipline or convenience and is not required to treat medical symptoms or behavior manifestations of mental illness. (Section 2-106 of the Act)*

Continuing Care Contract – a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract – a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Convenience – the use of any restraint by the facility to control resident behavior or maintain a resident, that is not in the resident's best interest, and with less use of the facility's effort and resources than would otherwise be required by the facility. This definition is limited to the definition of chemical restraint and Section 340.1580 of this Part.

Corporal Punishment – painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident – failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse.

Dentist – any person licensed to practice dentistry, including persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act [225 ILCS 25].

Department – as used in this Part means the Illinois Department of Public Health.

*Developmental Disability – means a severe, chronic disability of a person which:*

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*is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;*

*is manifested before the person attains age 22;*

*is likely to continue indefinitely;*

*results in substantial functional limitations in 3 or more of the following areas of major life activity:*

*self-care,*

*receptive and expressive language,*

*learning,*

*mobility,*

*self-direction,*

*capacity for independent living, and*

*economic self-sufficiency; and*

*reflects the person's need for combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. (Section 3-801.1 of the Act)*

Dietetic Service Supervisor – a person who:

is a dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

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has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the programs in the second, third or fourth paragraph of this definition.

Dietitian – a person who is a licensed dietitian as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30].

Direct Supervision – work performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

*Director – the Director of the Department of Public Health or designee. (Section 1-110 of the Act)*

Director of Nursing Service – the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

*Discharge – the full release of any resident from a facility. (Section 1-111 of the Act)*

Discipline – any action taken by the facility for the purpose of punishing or penalizing residents.

Distinct Part – an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

*Emergency – a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)*

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Existing Long-Term Care Facility – any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility or ~~Long-term Care Facility~~~~long-term care facility~~ – *A private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code [55 ILCS 5], or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act (42 USCA 1395 et seq. and 1936 et seq.). It also includes homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs. A "facility" may consist of more than one building as long as the buildings are on the same tract or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "Facility" does not include the following:*

*A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois other than homes, institutions or other places operated by or under the authority of the Illinois Department of Veterans' Affairs;*

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

*Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];*

Any "~~community living facility~~ ~~Community-Living-Facility~~" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];

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

*Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;*

*Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135];*

*Any supportive residence licensed under the Supportive Residences Licensing Act [210 ILCS 65];*

*Any supportive living facility in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code [305 ILCS 5/5-5.01a];*

*Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act [210 ILCS 9]; or*

*An Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act [210 ILCS 3]. (Section 1-113 of the Act)*

Financial Resources – having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time – on duty a minimum of 36 hours, four days per week.

Goal – an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body – the policy-making authority, whether an individual or a group,

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that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian – a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 [755 ILCS 5]. (Section 1-114 of the Act)

Health ~~Information Management Consultant~~~~information management consultant~~ – a person who is certified as a Registered Health Information Administrator (RHIA) or a Registered Health Information Technician (RHIT) by the American Health Information Management Association; or is a graduate of a school of health information management that is accredited jointly by the American Medical Association and the American Health Information Management Association.

Hospitalization – the care and treatment of a person in a hospital as an in-patient.

*Identified Offender – a person who has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act, is a registered sex offender, or is serving a term of parole, mandatory supervised release, or probation for a felony offense. (Section 1-114.01 of the Act)*

Illinois Veterans' Home – a facility *operated by or under the authority of the Illinois Department of Veterans' Affairs.* (Section 1-113(1) of the Act)

Interdisciplinary Team – a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. The Interdisciplinary Team includes at least the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator – a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70].

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Licensed Practical Nurse – a person with a valid Illinois license to practice as a practical nurse.

Licensee – the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)

Life Care Contract – a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

Maintenance – food, shelter, and laundry services. (Section 1-116 of the Act)

Misappropriation of Property – using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Monitor – a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

Neglect – a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. (Section 1-117 of the Act) Neglect means the failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious;  
or

a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility – any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any

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other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

*Nurse – a registered nurse or a licensed practical nurse as defined in the Nursing and Advanced Practice Nursing Act [225 ILCS 65]. (Section 1-118 of the Act)*

*Nursing Care – a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.*

*Objective – an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.*

*Occupational Therapist, Registered (OTR) – a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act [225 ILCS 75].*

*Occupational Therapy Assistant – a person who is registered as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.*

*Operator – the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.*

*Other Resident Injury – occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.*

*Oversight – general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.*

*Owner – the individual, partnership, corporation, association or other person who*

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owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)

Person – any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

Personal Care – assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his person, whether or not a guardian has been appointed for such individual. (Section 1-120 of the Act)

Pharmacist, Registered – a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

Physical Restraint – any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, which the individual cannot remove easily and which restricts freedom of movement or normal access to one's body. (Section 2-106 of the Act)

Physical Therapist Assistant – a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist – a person who is registered as a physical therapist under the Illinois Physical Therapy Act [225 ILCS 90].

Physician – any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

Probationary License – an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Psychiatrist – a physician who has had at least three years of formal training or

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primary experience in the diagnosis and treatment of mental illness.

Psychologist – a person who is licensed to practice clinical psychology under the Clinical Psychologist Licensing Act [225 ILCS 15].

Qualified Professional – a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

Reasonable ~~Visiting Hours~~~~visiting hours~~ – any time between the hours of 10 a.m. and 8 p.m. daily. (Section 1-121 of the Act)

Registered Nurse – a person with a valid license to practice as a registered professional nurse under the Nursing and Advanced Practice Nursing Act.

Repeat ~~Violation~~~~violation~~ – for purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that an accepted plan of correction was not complied with, within a period of not more than twelve months from the issuance of the initial violation. A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility. (Section 3-305(7) of the Act)

Resident – person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director – the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

Resident's Representative – a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

Restorative Care – a health care process designed to assist residents to attain and

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maintain the highest degree of function of which they are capable (physical, mental, and social).

Sanitization – the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory – same as adequate.

Seclusion – the retention of a resident alone in a room with a door which the resident cannot open.

Self Preservation – the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

Social Worker – a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

State Fire Marshal – the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization – the act or process of destroying completely all forms of microbial life, including viruses.

Stockholder of a ~~Corporation~~ corporation – any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)

Student Intern – means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

an academic credit requirement in a high school or undergraduate institution<sup>25</sup> or

immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately

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following the term of employment. (Section 1-125.1 of the Act)

**Substantial Failure** – the failure to meet requirements other than a variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 340.1130(b)(1).

**Sufficient** – same as adequate.

**Supervision** – authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two-year training program) qualifications specified in these definitions.

**Therapeutic Recreation Specialist** – a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

**Time Out** – removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

**Title XVIII** – Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)

**Title XIX** – Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)

**Transfer** – a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)

**Type A Violation** – a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)

**Type B Violation** – a violation of the Act or of the rules promulgated thereunder

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which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)

Universal Progress Notes – a common record with periodic narrative documentation by all persons involved in resident care.

Valid License – a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: POLICIES AND FACILITY RECORDS

**Section 340.1305 Pre-admission Assessment and Request for Criminal History Record Information**

- a) Identified offenders who seek admission to a licensed facility shall not be admitted unless the licensed facility complies with the requirements of this Section and Section 340.1315 of this Part. (Section 2-201.5(b) of the Act)
- b) Assessment must include the following:
- 1) The facility shall check for the individual's name on the Illinois Sex Offender Registration website at [www.isp.state.il.us](http://www.isp.state.il.us) and the Illinois Department of Corrections sex registrant search page at [www.idoc.state.il.us](http://www.idoc.state.il.us) to determine if the individual is listed as a registered sex offender;
  - 2) The facility shall provide a questionnaire, prescribed by the Department, to be completed by the individual or his/her representative, asking whether the individual is a registered sex offender; is serving a term of parole, mandatory supervised release, or probation for a felony offense; or has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act (Section 1-114.01 of the Act);
  - 3) The facility shall request criminal history record information in accordance with the Uniform Conviction Information Act (UCIA) [20 ILCS 2635]. Persons may be admitted to facilities while the results of a criminal history record request are pending; and

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- 4) If the individual has a felony conviction and was in the custody of the Department of Corrections, the facility shall request the social evaluation prepared by the Department of Corrections pursuant to Section 3-8-2 of the Unified Code of Corrections [730 ILCS 5/3-8-2].
- c) The facility must review the assessments and all supporting documentation to determine whether the recommended placement of an identified offender is appropriate under Sections 340.1310 and 340.1315 of this Part. The facility is responsible for the development of a plan of care appropriate to the needs of the identified offender, in accordance with Section 340.1315 of this Part. Information compiled concerning identified offenders must not be further disseminated except to the resident, law enforcement agencies, the parole office, the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation, and other facilities licensed or regulated by the Department, the Illinois Department of Healthcare and Family Services, or the Illinois Department of Human Services.
- d) The facility shall inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation within 48 hours after receiving verification from the Illinois State Police that a prospective or newly admitted resident is an identified offender.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 340.1310 Admission, Retention and Discharge Policies**

- a) All involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act.
- b) No resident determined by professional evaluation to be in need of services not readily available in a particular facility, or distinct part of a facility, or through arrangement with a qualified outside resource, shall be admitted to or kept in that facility. The Department defines a "qualified outside source" as one recognized as meeting professional standards for services provided.
- c) Each facility shall have a policy concerning the admission of persons needing prenatal or maternity care, and a policy concerning keeping of persons who become pregnant while they are residents of the facility. If these policies permit these persons to be admitted to or kept in the facility, then the facility shall have a policy concerning the provision of adequate and appropriate prenatal and

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maternity care to these persons from in-house or outside resources. (See Section 340.1550.)

- d) Residents with a history of aggressive or self-abusive behavior may be admitted only if the facility has in place appropriate, effective and individualized programs to manage the resident's behaviors and adequate, properly trained and supervised staff to administer the programs.
- e) Persons under 18 years of age may not be cared for in a facility for adults without prior written approval from the Department.
- f) A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident or, if the resident is incompetent, by the resident's guardian.
- g) If a resident insists on being discharged and is discharged against medical advice, the facts involved in the situation shall be fully documented in the resident's clinical record.
- h) A facility shall document all leaves and temporary transfers. Such documentation shall include date, time, condition of resident, person to whom the resident was released, planned destination, anticipated date of return, and any special instructions on medication dispensed.
- i) No person shall be admitted to or kept in the facility who is an identified offender, unless the requirements of Section 340.1305(b) and (c) for new admissions and the requirements of Section 340.1315 are met.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 340.1315 Identified Offenders**

- a) On or before January 1, 2006, the facility must require each current resident or resident's representative to complete a questionnaire, prescribed by the Department, asking whether the resident is a registered sex offender; is serving a term of parole, mandatory supervised release, or probation for a felony offense; or has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act. (Section 1-114.01 of the Act)
- b) If identified offenders are residents of a facility, the facility shall comply with all of the following requirements:

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- 1) For those residents who are identified as offenders through either the questionnaire required by subsection (a), the comparison of residents with the Department of State Police and Department of Corrections web sites required by Section 3-202.3(3) of the Act, or through actual knowledge possessed by the facility, the facility must initiate a request for criminal history record information in accordance with the Uniform Conviction Information Act. Criminal history record information also shall be requested for individuals who refuse to complete the questionnaire.
- 2) The facility shall inform the appropriate county and local law enforcement offices of the identity of identified offenders who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense who are residents of the facility. *If a resident of a licensed facility is an identified offender, any federal, State, or local law enforcement officer or county probation officer shall be permitted reasonable access to the individual resident to verify compliance with the requirements of the Sex Offender Registration Act or to verify compliance with applicable terms of probation, parole, or mandatory supervised release.* (Section 2-110 of the Act) Reasonable access under this provision shall not interfere with the identified offender's medical or psychiatric care.
- 3) The facility staff shall meet with local law enforcement officials to discuss the need for and to develop, if needed, policies and procedures to address the presence of facility residents who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense, including compliance with Section 340.1380 of this Part.
- 4) The facility must conspicuously post or display, in an area of its offices accessible to staff, current and prospective residents, family members, and visitors, notification, prescribed by the Department, that an identified offender is residing at the facility. The facility must direct specific inquiries about identified offenders to the Illinois Sex Offender Registration website at [www.isp.state.il.us](http://www.isp.state.il.us), the Illinois Department of Corrections sex registrant search page at [www.idoc.state.il.us](http://www.idoc.state.il.us), the Department of State Police, or local law enforcement agencies.
- 5) *The facility shall notify every resident or resident's guardian in writing that such offenders are residents of the facility.* (Section 2-216 of the Act)

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- 6) If the identified offender is on probation or parole status, the facility must contact the resident's probation or parole officer, acknowledge the terms of release, update contact information with the probation or parole office, and maintain updated contact information in the resident's record. The record must also include the resident's criminal history record.
- 7) The facility must inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation if the probation officer has not, within three days after the identified offender becomes a resident, provided the facility with copies of the following:
- A) pre-sentence investigation reports or social investigation reports;
  - B) any applicable probation orders and corresponding compliance plans;
  - C) the name and contact information for the assigned probation officer. (Section 12(11) of the Probation and Probation Officers Act [730 ILCS 110]).
- c) The facility must inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in writing within 48 hours after determining that a resident or residents of the licensed facility are listed on the Illinois Department of Corrections or Illinois State Police registered sex offender databases (Section 3-202.3 of the Act).
- d) Facilities must maintain written documentation of compliance with Section 340.1305(b) of this Part and subsection (a) of this Section.
- e) Facilities must annually complete all of the steps required in subsection (b) of this Section for identified offenders. This requirement does not apply to residents who have not been discharged from the facility during the previous 12 months.
- f) For current residents who are identified offenders, the facility must conduct a risk assessment and review the screenings of the identified offender to determine the appropriateness of retention in the facility in accordance with subsection (h).
- g) Upon admission of an identified offender to a facility or a decision to retain an identified offender in a facility, the facility, in consultation with the medical director and law enforcement, must specifically address the resident's needs in an

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individualized plan of care that reflects the risk assessment of the individual, in accordance with subsection (h) of this Section.

- h) In conducting a risk assessment of an identified offender and developing a plan of care, the facility shall consider the following:
- 1) The care and supervision needs, if any, specific to the individual's criminal offense;
  - 2) The results of the screening conducted pursuant to Section 340.1305 of this Part;
  - 3) The amount of supervision required by the individual to ensure the safety of all residents, staff and visitors in the facility;
  - 4) The physical and mental abilities of the individual;
  - 5) The current medical assessments of the individual;
  - 6) The individual's needs in relation to his or her status as an identified offender;
  - 7) Approaches to resident care that are proactive and are appropriate and effective in dealing with any behaviors specific to the identified offense; and
  - 8) The number and qualifications of staff needed to meet the needs of the individual and the required level of supervision at all times.
- i) The care planning of identified offenders shall include a description of the security measures necessary to protect facility residents from the identified offender, including whether the identified offender should be segregated from other residents. (Section 3-202.3(5) of the Act) If the facility's risk assessment determines that an identified offender must have his or her own room, then all the criteria of this subsection must be met.
- 1) The room must be in direct view of the main nurses' station;
  - 2) The room must be separate from rooms of residents who are at risk; and

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- 3) The resident must not share his or her room or bathroom with any other resident.
- j) The facility must evaluate care plans quarterly for identified offenders for appropriateness and effectiveness of the portions specific to the identified offense and must document such review. The facility must modify the care plan if necessary in response to this evaluation.
- k) Incident reports must be submitted to the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in compliance with Section 340.1330 of this Part. The facility must review its placement determination of identified offenders based on incident reports involving the identified offender. In incident reports involving identified offenders, the facility must identify whether the incident involves substance abuse, aggressive behavior, or inappropriate sexual behavior, as well as any other behavior or activity that would be reasonably likely to cause harm to the identified offender or others. If the facility cannot protect the other residents from misconduct by the identified offender, then the facility shall transfer or discharge the identified offender in accordance with Section 340.1470 of this Part.
- l) The facility must notify the appropriate local law enforcement agency, the Illinois Prisoner Review Board, or the Department of Corrections of the incident and whether it involved substance abuse, aggressive behavior, or inappropriate sexual behavior that would necessitate relocation of that resident.
- m) The facility must develop procedures for implementing changes in resident care and facility policies when the resident no longer meets the definition of identified offender.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 340.1316 Discharge Planning for Identified Offenders**

- a) All discharges and transfers shall be in accordance with Section 340.1470 of this Part.
- b) A facility that admits or retains an identified offender shall have in place policies and procedures for the discharge of an identified offender for reasons related to the individual's status as an identified offender, including, but not limited to:

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- 1) The facility's inability to meet the needs of the resident, based on Section 340.1305(c) and Section 340.1315 of this Part;
  - 2) The facility's inability to provide the security measures necessary to protect facility residents, staff and visitors; or
  - 3) The physical safety of the resident, other residents, the facility staff, or facility visitors.
- c) Discharge planning shall be included as part of the plan of care developed in accordance with Section 340.1315(h).

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 340.1317 Transfer of an Identified Offender**

- a) All discharges and transfers shall be in accordance with Section 340.1470 of this Part.
- b) When a resident who is an identified offender is transferred to another facility regulated by the Department, the Department of Healthcare and Family Services, or the Department of Human Services, the transferring facility must notify the Department and the receiving facility that the individual is an identified offender before making the transfer.
- c) This notification must include all of the documentation required under Section 340.1315 of this Part, and the transferring facility must provide this information to the receiving facility to complete the discharge planning.
- d) If the following information has been provided to the transferring facility from the Department of Corrections, the transferring facility shall provide copies to the receiving facility before making the transfer:
  - 1) The mittimus and any pre-sentence investigation reports;
  - 2) The social evaluation prepared pursuant to Section 3-8-2 of the Unified Code of Corrections [730 ILCS 5/3-8-2];
  - 3) Any pre-release evaluation conducted pursuant to subsection (j) of Section 3-6-2 of the Unified Code of Corrections [730 ILCS 5/3-6-2];

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- 4) Reports of disciplinary infractions and dispositions;
  - 5) Any parole plan, including orders issued by the Illinois Prisoner Review Board and any violation reports and dispositions; and
  - 6) The name and contact information for the assigned parole agent and parole supervisor. (Section 3-14-1 of the Unified Code of Corrections)
- e) The information required by this Section shall be provided upon transfer. This information must not be further disseminated, except to the resident, law enforcement agencies, the parole office, the Department, and facilities licensed or regulated by the Department, the Illinois Department of Healthcare and Family Services, or the Illinois Department of Human Services.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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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) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
350.330	Amendment
350.625	Amendment
350.630	Amendment
350.635	New Section
350.636	New Section
350.637	New Section
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues: The Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350) regulates developmentally disabled facilities licensure. This rulemaking is being undertaken to implement Public Act 94-163, enacted by the General Assembly to regulate identified offenders in long-term care facilities. This rulemaking also replaces emergency rules filed by the Department on July 12, 2005.

Section 350.330 (Definitions) is being amended to include a definition of “identified offender.” Section 350.625 (Determination of Need Screening) is being amended to require facilities to determine whether a prospective resident is a registered sex offender or meets the definition of identified offender, conduct a criminal background check, and determine whether the facility is able to care for the prospective resident if he/she is an identified offender. Section 350.630 (Admission and Discharge Policies) is being amended to require nursing homes to ensure that identified offenders meet all of the requirements of Section 350.625 and a new Section 350.635. Section 350.635 (Identified Offenders) adds the minimum requirements that nursing homes must meet in order to admit identified offenders as residents and provisions for the identification of identified offenders who are current residents. Section 350.636 (Discharge Planning for Identified Offenders) is being added to list the minimum requirements facilities must fulfill with regard to discharges and transfers of identified offenders. Section 350.637 (Transfer of an Identified Offender) is being added to require the full disclosure of the status of identified offenders when they are transferred between facilities regulated by the Department, the Department of Healthcare and Families Services, and the Department of Human Services.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

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- 6) Will this rulemaking replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
350.120	Amendment	29 Ill. Reg. 1818 – 2/4/05

- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State Mandate.
- 11) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister  
 Division of Legal Services  
 Illinois Department of Public Health  
 535 West Jefferson St., 5<sup>th</sup> Floor  
 Springfield, Illinois 62761

217/782-2043  
 e-mail: rules@idph.state.il.us

- 12) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Long-Term Care Facilities
- B) Reporting, bookkeeping or other procedures required for compliance: Facilities will be required to inform the Department of the presence of identified offenders under their care. They will be required to also inform local law enforcement and to post a notice visible to staff, residents and visitors alerting people to the presence of an identified offender. Residents or residents' guardians also must be alerted, and written documentation of compliance with these rules must be maintained.

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the need for the rulemaking was not apparent when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments 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

## SUBPART A: GENERAL PROVISIONS

Section	
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
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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 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

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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; amended at 29 Ill. Reg. 12954, effective August 2, 2005; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 350.330 Definitions**

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

*Abuse – any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)*

Abuse means:

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Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

*Access – the right to:*

*Enter any facility;*

*Communicate privately and without restriction with any resident who consents to the communication;*

*Seek consent to communicate privately and without restriction with any resident;*

*Inspect the clinical and other records of a resident with the express written consent of the resident;*

*Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)*

Act – as used in this Part, the Nursing Home Care Act [210 ILCS 45].

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Activity Program – a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior – the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Adaptive Equipment – a physical or mechanical device, material or equipment attached or adjacent to the resident's body that may restrict freedom of movement or normal access to one's body, the purpose of which is to permit or encourage movement, or to provide opportunities for increased functioning, or to prevent contractures or deformities. Adaptive equipment is not a physical restraint. No matter the purpose, adaptive equipment does not include any device, material or method described in Section 350.1080 as a physical restraint.

Addition – any construction attached to the original building which increases the area or cubic content of the building.

Adequate – enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning – a notice to a facility issued by the Department under Section 350.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator – the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate – a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

*Affiliate – means:*

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*With respect to a partnership, each partner thereof.*

*With respect to a corporation, each officer, director and stockholder thereof.*

*With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)*

Aide or Orderly – any person providing direct personal care, training or habilitation services to residents.

Alteration – any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident – a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

*Applicant – any person making application for a license. (Section 1-107 of the Act)*

Appropriate – term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment – the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist – a person who is licensed as an audiologist under the Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].

Autism – a syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

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Autoclave – an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel – all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement – when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification – treatment to be used to establish or change behavior patterns.

Cerebral Palsy – a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX – the issuance of a document by the Department to the Department of Health and Human Services or the Department of ~~Healthcare and Family Services~~ ~~Public Aid~~ verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse – a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Chemical ~~Restraint~~ ~~restraint~~ – any drug that is used for discipline or convenience and is not required to treat medical symptoms or behavior manifestations of mental illness. (Section 2-106 of the Act)

Child Care/Habilitation Aide – any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives – service programs in the community provided as an

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alternative to institutionalization.

Continuing Care Contract – a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract – a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Convenience – the use of any restraint by the facility to control resident behavior or maintain a resident, which is not in the resident's best interest, and with less use of the facility's effort and resources than would otherwise be required by the facility. This definition is limited to the definition of chemical restraint and Section 350.1080 of this Part.

Corporal Punishment – painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident – failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse.

Dentist – any person licensed to practice dentistry, including persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act [225 ILCS 25].

Department – as used in this Part means the Illinois Department of Public Health.

Developmental Disabilities (DD) Aide – any person who provides nursing, personal or habilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered to render medical care. Other titles often used to refer to DD Aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

*Developmental Disability – means a severe, chronic disability of a person which:*

*is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;*

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*is manifested before the person attains age 22;*

*is likely to continue indefinitely;*

*results in substantial functional limitations in 3 or more of the following areas of major life activity:*

*self-care,*

*receptive and expressive language,*

*learning,*

*mobility,*

*self-direction,*

*capacity for independent living, and*

*economic self-sufficiency; and*

*reflects the person's need for combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. (Section ~~3-801.13-801~~ of the Act)*

Dietetic Service Supervisor – a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

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has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the programs in paragraphs (2), (3) or (4) of this definition.

Dietitian – a person who is a licensed dietitian as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30].

Direct Supervision – work performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

*Director – the Director of the Department of Public Health or designee. (Section 1-110 of the Act)*

Director of Nursing Service – the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

*Discharge – the full release of any resident from a facility. (Section 1-111 of the Act)*

Discipline – any action taken by the facility for the purpose of punishing or penalizing residents.

Distinct Part – an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

*Emergency – a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)*

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Epilepsy – a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Existing Long-Term Care Facility – any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Intermediate Care – a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled – when used in this Part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled.

*Facility or Long-Term Care Facility – a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code [55 ILCS 5], or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act (42 USCA 1395 et seq. and 1936 et seq.). It also includes homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs. A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "Facility" does not include the following:*

*A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois other than homes, institutions or other places operated by or under the authority of the Illinois Department*

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*of Veterans' Affairs;*

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

*Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];*

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

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

*Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;*

*Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangement Licensure and Certification Act [210 ILCS 135];*

*Any supportive residence licensed under the Supportive Residences Licensing Act [210 ILCS 65];*

*Any supportive living facility in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code [305 ILCS 5/5-5.01a];*

*Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act [210 ILCS 9]; or*

*An Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act [210 ILCS 3]. (Section 1-113 of the Act)*

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Facility, Long-Term Care, for Residents Under 22 Years of Age – when used in this Part is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total habilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care – when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance and personal care.

Facility, Skilled Nursing – when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post-acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility – having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time – on duty a minimum of 36 hours, four days per week.

Goal – an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body – the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

*Guardian – a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 [755 ILCS 5].*  
(Section 1-114 of the Act)

Habilitation – an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical

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services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health ~~Information Management Consultant~~~~information management consultant~~ – a person who is certified as a Registered Health Information Administrator (RHIA) or a Registered Health Information Technician (RHIT) by the American Health Information Management Association; or is a graduate of a school of health information management that is accredited jointly by the American Medical Association and the American Health Information Management Association.

Health Services Supervisor (Director of Nursing Service) – the full-time Registered Nurse who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged – any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 [805 ILCS 105]; or~~;~~ by a county pursuant to Division 5-22 of the Counties Code [55 ILCS 5]; or~~;~~ pursuant to a trust or endowment established for nonprofit, charitable purposes; and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization – the care and treatment of a person in a hospital as an inpatient.

*Identified Offender – a person who has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act, is a registered sex offender, or is serving a term of parole, mandatory supervised release, or probation for a felony offense. (Section 1-114.01 of the Act)*

Individual Education Program (IEP) – a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) – a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Interdisciplinary Team – a group of persons that represents those professions,

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disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) at least one member of the team shall be a Qualified Mental Retardation Professional. The Interdisciplinary Team includes the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator – a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70].

Licensed Practical Nurse – a person with a valid Illinois license to practice as a practical nurse.

*Licensee – the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)*

Life Care Contract – a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

*Maintenance – food, shelter, and laundry services. (Section 1-116 of the Act)*

Maladaptive Behavior – impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner – a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation – subaverage general intellectual functioning originating during the developmental period and associated with

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maladaptive behavior.

Misappropriation of Property – using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory – unable to walk independently or without assistance, but able to move from place to place with the use of a device such as a walker, crutches, a wheelchair, or a wheeled platform.

Mobile Resident – any resident who is able to move about either independently or with the aid of an assistive device such as a walker, crutches, a wheelchair, or a wheeled platform.

Monitor – a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

*Neglect – a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition.* (Section 1-117 of the Act) Neglect means the failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious;  
or

a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility – any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term

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care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization – the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

*Nurse – a registered nurse or a licensed practical nurse as defined in the Nursing and Advanced Practice Nursing Act [225 ILCS 65]. (Section 1-118 of the Act)*

Nursing Assistant – any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of [Financial and Professional Regulation](#) to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care – a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit – a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective – an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) – a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act [225 ILCS 75].

Occupational Therapy Assistant – a person who is registered as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice

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Act.

Operator – the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury – occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight – general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

*Owner – the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)*

Person – any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

*Personal Care – assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his person, whether or not a guardian has been appointed for such individual. (Section 1-120 of the Act)*

Pharmacist, Registered – a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

Physical ~~Restraint~~*restraint* – any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, which

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the individual *cannot remove easily and which restricts freedom of movement or normal access to one's body*. (Section 2-106 of the Act)

Physical Therapist Assistant – a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist – a person who is registered as a physical therapist under the Illinois Physical Therapy Act [225 ILCS 90].

Physician – any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

Probationary License – an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Psychiatrist – a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist – a person who is licensed to practice clinical psychology under the Clinical Psychologist Licensing Act [225 ILCS 15].

Qualified Mental Retardation Professional – a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields:  
occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational ~~specialty~~**speciality** area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional – a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered or certified by the

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State of Illinois, if required.

Reasonable *Visiting Hours*~~visiting hours~~ – any time between the hours of 10 a.m. and 8 p.m. daily. (Section 1-121 of the Act)

Registered Nurse – a person with a valid license to practice as a registered professional nurse under the Nursing and Advanced Practice Nursing Act.

Repeat Violation – ~~for~~~~For~~ purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that an accepted plan of correction was not complied with, within a period of not more than twelve months from the issuance of the initial violation. A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility. (Section 3-305(7) of the Act)

Reputable Moral Character – having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

Resident – person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director – the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

Resident's Representative – a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

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Restorative Care – a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Room – a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Sanitization – the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory – same as adequate.

Seclusion – the retention of a resident alone in a room with a door that the resident cannot open.

Self Preservation – the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

*Sheltered Care – maintenance and personal care.* (Section 1-124 of the Act)

Social Worker – a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

State Fire Marshal – the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization – the act or process of destroying completely all forms of microbial life, including viruses.

*Stockholder of a Corporation – any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation.* (Section 1-125 of the Act)

Story – when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

*Student Intern – means any person whose total term of employment in any facility*

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*during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:*

*an academic credit requirement in a high school or undergraduate institution; or*

*immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)*

Substantial Compliance – meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 350.140(a)(3) and 350.150(a)(3).

Substantial Failure – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 350.165(b)(1).

Sufficient – same as adequate.

Supervision – authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity.

Therapeutic Recreation Specialist – a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out – removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

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*Title XVIII – Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)*

*Title XIX – Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)*

*Transfer – a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)*

*Type A Violation – a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)*

*Type B Violation – a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)*

Unit – an entire physically identifiable residence area consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

Universal Progress Notes – a common record with periodic narrative documentation by all persons involved in resident care.

Valid License – a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: POLICIES

**Section 350.625 Determination of Need Screening and Request for Criminal History Record Information**

- a) For the purpose of this Section only, a nursing facility is any bed licensed as a skilled nursing or intermediate care facility bed, or a location certified to

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participate in the Medicare program under Title XVIII of the Social Security Act or Medicaid program under Title XIX of the Social Security Act.

- b) *All persons seeking admission to a nursing facility must be screened to determine the need for nursing facility services prior to being admitted, regardless of income, assets, or funding source.* (Section 2-201.5(a) of the Act) A screening assessment is not required provided one of the conditions in Section 140.642(c) of the ~~Department of Public Aid's~~ rules of the Department of Healthcare and Family Services titled entitled "Medical Payment" (89 Ill. Adm. Code 140.642(c)) is met.
- c) *Any person who seeks to become eligible for medical assistance from the Medical Assistance program under the Illinois Public Aid Code to pay for long-term care services while residing in a facility shall be screened in accordance with 89 Ill. Adm. Code 140.642(b)(4).* (Section 2-201.5(a) of the Act)
- d) *Screening shall be administered through procedures established by administrative rule by the agency responsible for screening.* (Section 2-201.5(a) of the Act) The Illinois Department on Aging is responsible for the screening required in subsection (b) of this Section for individuals 60 years of age or older who are not developmentally disabled or do not have a severe mental illness. The Illinois Department of Human Services is responsible for the screening required in subsection (b) of this Section for all individuals 18 through 59 years of age and for individuals 60 years of age or older who are developmentally disabled or have a severe mental illness. The Illinois Department of Healthcare and Family Services~~Public Aid~~ or its designee is responsible for the screening required in subsection (c) of this Section.
- e) *In addition to the screening required by Section 2-201.5(a) of the Act and this Section, identified offenders who seek admission to a licensed facility shall not be admitted unless the licensed facility complies with the requirements of this Section and Section 350.655 of this Part.* (Section 2-201.5(b) of the Act)
- f) Screening must include the following:
- 1) The facility shall check for the individual's name on the Illinois Sex Offender Registration website at [www.isp.state.il.us](http://www.isp.state.il.us) and the Illinois Department of Corrections sex registrant search page at [www.idoc.state.il.us](http://www.idoc.state.il.us) to determine if the individual is listed as a registered sex offender;

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- 2) The facility shall provide a questionnaire, prescribed by the Department, to be completed by the individual or his/her representative, asking whether the individual is a registered sex offender; is serving a term of parole, mandatory supervised release, or probation for a felony offense; or has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act. (Section 1-114.01 of the Act);
- 3) The facility shall request criminal history record information in accordance with the Uniform Conviction Information Act (UCIA) [20 ILCS 2635]. Persons may be admitted to facilities while the results of a criminal history record information request are pending; and
- 4) If the individual has a felony conviction and was in the custody of the Department of Corrections, the facility shall request the social evaluation prepared by the Department of Corrections pursuant to Section 3-8-2 of the Unified Code of Corrections [730 ILCS 5/3-8-2].
- g) The facility must review the screenings and all supporting documentation to determine whether the recommended placement of an identified offender is appropriate under Sections 350.630 and 350.635 of this Part. The facility is responsible for the development of a plan of care appropriate to the needs of the identified offender, in accordance with Section 350.635 of this Part. Information compiled concerning identified offenders must not be further disseminated except to the resident, law enforcement agencies, the parole office, the Division of Long Term Care Field Operations in the Department's Office of Health Care Regulation, and other facilities licensed by the Department, the Illinois Department of Healthcare and Family Services, or the Illinois Department of Human Services.
- h) The facility shall inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation within 48 hours after receiving verification from the Illinois State Police that a prospective or newly admitted resident is an identified offender.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 350.630 Admission, Retention and Discharge Policies**

- a) All involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act.

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- b) Residents shall only be admitted who have had a comprehensive evaluation covering physical, emotional, social and cognitive factors, conducted by an appropriately constituted interdisciplinary team.
- c) No resident determined by professional evaluation to be in need of skilled level of nursing care shall be admitted to, or kept in, an Intermediate Care Facility, or Intermediate Care Facility for the Developmentally Disabled, or any distinct part of the facility designated and classified for intermediate care for the developmentally disabled.
- d) Each facility shall have a policy concerning the admission of persons needing prenatal or maternity care, and a policy concerning the keeping of such persons who become pregnant while they are residents of the facility. If these policies permit such persons to be admitted to or kept in the facility, then the facility shall have a policy concerning the provision of adequate and appropriate prenatal and maternity care to such individuals from in-house or outside resources.
- e) A facility for infants and children under 18 years of age shall be used exclusively for children. Persons under 18 years of age may not be cared for in a facility for adults without prior approval from the Department. Such approval will be granted only when it is the best possible placement for the person under the particular set of circumstances.
- f) A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident himself or, if the resident is incompetent, by the resident's guardian.
- g) If a resident insists on being discharged and is discharged against the advice of a physician or a Qualified Mental Retardation Professional, the facts involved in the situation shall be fully documented in the resident's clinical record.
- h) No resident shall be discharged without the concurrence of the attending physician.
- i) No resident shall be admitted with a communicable, contagious or infectious disease except as set forth in Section 350.1223 of this Part.
- j) A facility shall not admit more residents than the number authorized by the license issued to it.

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- k) No identified offender shall be admitted to or kept in a facility, unless the requirements of Section 350.625(f) and (g) for new admissions and the requirements of Section 350.635 are met.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 350.635 Identified Offenders**

- a) On or before January 1, 2006, the facility must require each current resident or resident's representative to complete a questionnaire, prescribed by the Department, asking whether the resident is a registered sex offender; is serving a term of parole, mandatory supervised release, or probation for a felony offense; or has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act. (Section 1-114.01 of the Act)
- b) If identified offenders are residents of a facility, the facility shall comply with all of the following requirements:
- 1) For those residents who are identified as offenders through either the questionnaire required by subsection (a), the comparison of residents with the Department of State Police and Department of Corrections web sites required by Section 3-202.3(3) of the Act, or through actual knowledge possessed by the facility, the facility must initiate a request for criminal history record information in accordance with the Uniform Conviction Information Act. Criminal history record information also shall be requested for individuals who refuse to complete the questionnaire.
  - 2) The facility shall inform the appropriate county and local law enforcement offices of the identity of identified offenders who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense who are residents of the facility. If a resident of a licensed facility is an identified offender, any federal, State, or local law enforcement officer or county probation officer shall be permitted reasonable access to the individual resident to verify compliance with the requirements of the Sex Offender Registration Act or to verify compliance with applicable terms of probation, parole, or mandatory supervised release. (Section 2-110 of the Act) Reasonable access under this provision shall not interfere with the identified offender's medical or psychiatric care.

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- 3) The facility staff shall meet with local law enforcement officials to discuss the need for and to develop, if needed, policies and procedures to address the presence of facility residents who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense, including compliance with Section 350.750 of this Part.
- 4) The facility must conspicuously post or display, in an area of its offices accessible to staff, current and prospective residents, family members, and visitors, notification, prescribed by the Department, that an identified offender is residing at the facility. The facility must direct specific inquiries about identified offenders to the Illinois Sex Offender Registration website at [www.isp.state.il.us](http://www.isp.state.il.us), the Illinois Department of Corrections sex registrant search page at [www.idoc.state.il.us](http://www.idoc.state.il.us), the Department of State Police, or local law enforcement agencies.
- 5) *The facility shall notify every resident or resident's guardian in writing that such offenders are residents of the facility. (Section 2-216 of the Act)*
- 6) If the identified offender is on probation or parole status, the facility must contact the resident's probation or parole officer, acknowledge the terms of release, update contact information with the probation or parole office, and maintain updated contact information in the resident's record. The record must also include the resident's criminal history record.
- 7) The facility must inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation if the probation officer has not, *within three days after the identified offender becomes a resident, provided the facility with copies of the following:*
  - A) *pre-sentence investigation reports or social investigation reports;*
  - B) *any applicable probation orders and corresponding compliance plans;*
  - C) *the name and contact information for the assigned probation officer. (Section 12(11) of the Probation and Probation Officers Act [730 ILCS 110]).*

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- c) The facility must inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in writing *within 48 hours* after determining that a resident or residents of the licensed facility are listed on the Illinois Department of Corrections or Illinois State Police registered sex offender databases (Section 3-202.3 of the Act).
- d) Facilities must maintain written documentation of compliance with Section 350.625(f) of this Part and subsection (a) of this Section.
- e) Facilities must annually complete all of the steps required in subsection (b) of this Section for identified offenders. This requirement does not apply to residents who have not been discharged from the facility during the previous 12 months.
- f) For current residents who are identified offenders, the facility must conduct a risk assessment and review the screenings of the identified offender to determine the appropriateness of retention in the facility in accordance with subsection (h).
- g) Upon admission of an identified offender to a facility or a decision to retain an identified offender in a facility, the facility, in consultation with the medical director and law enforcement, must specifically address the resident's needs in an individualized plan of care that reflects the risk assessment of the individual, in accordance with subsection (h) of this Section.
- h) In conducting a risk assessment of an identified offender and developing a plan of care, the facility shall consider the following:
- 1) The care and supervision needs, if any, specific to the individual's criminal offense;
  - 2) The results of the screening conducted pursuant to Section 350.625 of this Part;
  - 3) The amount of supervision required by the individual to ensure the safety of all residents, staff and visitors in the facility;
  - 4) The physical and mental abilities of the individual;
  - 5) The current medical assessments of the individual;

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- 6) The individual's needs in relation to his or her status as an identified offender;
  - 7) Approaches to resident care that are proactive and are appropriate and effective in dealing with any behaviors specific to the identified offense; and
  - 8) The number and qualifications of staff needed to meet the needs of the individual and the required level of supervision at all times.
- i) The care planning of identified offenders shall include a description of the security measures necessary to protect facility residents from the identified offender, including whether the identified offender should be segregated from other residents. (Section 3-202.3(5) of the Act) If the facility's risk assessment determines that an identified offender must have his or her own room, then all the criteria of this subsection must be met.
- 1) The room must be separate from rooms of residents who are at risk; and
  - 2) The resident must not share his or her room or bathroom with any other resident.
- j) The facility must evaluate care plans quarterly for identified offenders for appropriateness and effectiveness of the portions specific to the identified offense and must document such review. The facility must modify the care plan if necessary in response to this evaluation.
- k) Incident reports must be submitted to the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in compliance with Section 350.700 of this Part. The facility must review its placement determination of identified offenders based on incident reports involving the identified offender. In incident reports involving identified offenders, the facility must identify whether the incident involves substance abuse, aggressive behavior, or inappropriate sexual behavior, as well as any other behavior or activity that would be reasonably likely to cause harm to the identified offender or others. If the facility cannot protect the other residents from misconduct by the identified offender, then the facility shall transfer or discharge the identified offender in accordance with Section 350.3300 of this Part.

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- l) The facility must notify the appropriate local law enforcement agency, the Illinois Prisoner Review Board, or the Department of Corrections of the incident and whether it involved substance abuse, aggressive behavior, or inappropriate sexual behavior that would necessitate relocation of that resident.
- m) The facility must develop procedures for implementing changes in resident care and facility policies when the resident no longer meets the definition of identified offender.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 350.636 Discharge Planning for Identified Offenders**

- a) All discharges and transfers shall be in accordance with Section 350.3300 of this Part.
- b) A facility that admits or retains an identified offender shall have in place policies and procedures for the discharge of an identified offender for reasons related to the individual's status as an identified offender, including, but not limited to:
  - 1) The facility's inability to meet the needs of the resident, based on Section 350.625(f) and Section 350.635 of this Part;
  - 2) The facility's inability to provide the security measures necessary to protect facility residents, staff and visitors; or
  - 3) The physical safety of the resident, other residents, the facility staff, or facility visitors.
- c) Discharge planning shall be included as part of the plan of care developed in accordance with Section 350.635(h).

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 350.637 Transfer of an Identified Offender**

- a) All discharges and transfers shall be in accordance with Section 350.3300 of this Part.

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- b) When a resident who is an identified offender is transferred to another facility regulated by the Department, the Department of Healthcare and Family Services, or the Department of Human Services, the transferring facility must notify the Department and the receiving facility that the individual is an identified offender before making the transfer.
- c) This notification must include all of the documentation required under Section 350.635 of this Part, and the transferring facility must provide this information to the receiving facility to complete the discharge planning.
- d) If the following information has been provided to the transferring facility from the Department of Corrections, the transferring facility shall provide copies to the receiving facility before making the transfer:
- 1) *The mittimus and any pre-sentence investigation reports;*
  - 2) *The social evaluation prepared pursuant to Section 3-8-2 of the Unified Code of Corrections [730 ILCS 5/3-8-2];*
  - 3) *Any pre-release evaluation conducted pursuant to subsection (j) of Section 3-6-2 of the Unified Code of Corrections [730 ILCS 5/3-6-2];*
  - 4) *Reports of disciplinary infractions and dispositions;*
  - 5) *Any parole plan, including orders issued by the Illinois Prisoner Review Board and any violation reports and dispositions; and*
  - 6) *The name and contact information for the assigned parole agent and parole supervisor. (Section 3-14-1 of the Unified Code of Corrections)*
- e) The information required by this Section shall be provided upon transfer. This information must not be further disseminated, except to the resident, law enforcement agencies, the parole office, the Department, and facilities licensed or regulated by the Department, the Illinois Department of Healthcare and Family Services, or the Illinois Department of Human Services.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3)
 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
390.330	Amendment
390.625	New Section
390.630	Amendment
390.635	New Section
390.636	New Section
390.637	New Section
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues: The Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390) regulates licensure for facilities that serve patients under 22 years of age. This rulemaking is being undertaken to implement Public Act 94-163, enacted by the General Assembly to regulate identified offenders in long-term care facilities. This rulemaking also replaces emergency rules filed by the Department on July 12, 2005.

Section 390.330 (Definitions) is being amended to include a definition of "identified offender." Section 390.625 (Pre-admission Assessment and Request for Criminal History Record Information) is being added to require facilities to determine whether a prospective resident is a registered sex offender or meets the definition of identified offender, conduct a criminal background check, and determine whether the facility is able to care for the prospective resident if he/she is an identified offender. Section 390.630 (Admission and Discharge Policies) is being amended to require nursing homes to ensure that identified offenders meet all of the requirements of Section 390.625 and a new Section 390.635. Section 390.635 (Identified Offenders) adds the minimum requirements that nursing homes must meet in order to admit identified offenders as residents and provisions for the identification of identified offenders who are current residents. Section 390.636 (Discharge Planning for Identified Offenders) is being added to list the minimum requirements facilities must fulfill with regard to discharges and transfers of identified offenders. Section 390.637 (Transfer of an Identified Offender) is being added to require the full disclosure of the status of identified offenders when they are transferred between facilities regulated by the Department, the Department of Healthcare and Families Services, and the Department of Human Services.

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The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

- 6) Will this rulemaking replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
390.120	Amendment	29 Ill. Reg. 1835; 2/4/05

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 11) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue after the *Illinois Register* to:

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson St., 5<sup>th</sup> Floor  
Springfield, Illinois 62761

217/782-2043  
e-mail: rules@idph.state.il.us

- 12) Initial Regulatory Flexibility Analysis:
  - A) Type of small businesses, small municipalities and not-for-profit corporations affected: Long-Term Care Facilities
  - B) Reporting, bookkeeping or other procedures required for compliance: Facilities will be required to inform the Department of the presence of identified offenders under their care. They will be required to also inform local law enforcement and to post a notice visible to staff, residents and visitors alerting people to the presence of an identified offender. Residents or residents' guardians also must be

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alerted, and written documentation of compliance with these rules must be maintained.

- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the need for the rulemaking was not apparent when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments 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 390  
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse Licensure Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties

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390.290	Quarterly List of Violators (Repealed)
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.315	Supported Congregate Living Arrangement Demonstration
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

## SUBPART B: ADMINISTRATION

Section	
390.500	Administrator

## SUBPART C: POLICIES

Section	
390.610	Management Policies
390.620	Resident Care Policies
<a href="#">390.625</a>	<a href="#">Pre-admission Assessment and Request for Criminal History Record Information</a>
390.630	Admission, <a href="#">Retention</a> and Discharge Policies
<a href="#">390.635</a>	<a href="#">Identified Offenders</a>
<a href="#">390.636</a>	<a href="#">Discharge Planning for Identified Offenders</a>
<a href="#">390.637</a>	<a href="#">Transfer of an Identified Offender</a>
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.681	Health Care Worker Background Check
390.682	Resident Attendants
390.683	Registry of Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents
390.750	Contacting Local Law Enforcement
390.760	Infection Control

## SUBPART D: PERSONNEL

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## Section

- 390.810 General
- 390.820 Categories of Personnel
- 390.830 Consultation Services

## SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

## Section

- 390.1010 Service Programs
- 390.1020 Medical Services
- 390.1025 Life-Sustaining Treatments
- 390.1030 Physician Services
- 390.1035 Tuberculin Skin Test Procedures
- 390.1040 Nursing Services
- 390.1050 Dental Care Services
- 390.1060 Physical and Occupational Therapy Services
- 390.1070 Psychological Services
- 390.1080 Social Services
- 390.1090 Speech Pathology and Audiology Services
- 390.1100 Recreational and Activity Services
- 390.1110 Educational Services
- 390.1120 Work Activity and Prevocational Training Services
- 390.1130 Communicable Disease Policies
- 390.1140 Vaccinations
- 390.1150 Language Assistance Services

## SUBPART F: RESTRAINTS AND BEHAVIOR MANAGEMENT

## Section

- 390.1310 Restraints
- 390.1312 Nonemergency Use of Physical Restraints
- 390.1314 Emergency Use of Physical Restraints
- 390.1316 Unnecessary, Psychotropic, and Antipsychotic Drugs
- 390.1320 Behavior Management
- 390.1330 Behavior Emergencies (Repealed)

## SUBPART G: MEDICATIONS

## Section

- 390.1410 Medication Policies and Procedures

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- 390.1420 Compliance with Licensed Prescriber's Orders
- 390.1430 Administration of Medication
- 390.1440 Labeling and Storage of Medications
- 390.1450 Control of Medications

## SUBPART H: RESIDENT AND FACILITY RECORDS

## Section

- 390.1610 Resident Record Requirements
- 390.1620 Content of Medical Records
- 390.1630 Confidentiality of Resident's Records
- 390.1640 Records Pertaining to Residents' Property
- 390.1650 Retention and Transfer of Resident Records
- 390.1660 Other Resident Record Requirements
- 390.1670 Staff Responsibility for Medical Records
- 390.1680 Retention of Facility Records
- 390.1690 Other Facility Record Requirements

## SUBPART I: FOOD SERVICE

## Section

- 390.1810 Director of Food Services
- 390.1820 Dietary Staff in Addition to Director of Food Services
- 390.1830 Hygiene of Dietary Staff
- 390.1840 Diet Orders
- 390.1850 Meal Planning
- 390.1860 Infant and Therapeutic Diets
- 390.1870 Scheduling Meals
- 390.1880 Menus and Food Records
- 390.1890 Food Preparation and Service
- 390.1900 Preparation of Infant Formula
- 390.1910 Food Handling Sanitation
- 390.1920 Kitchen Equipment, Utensils, and Supplies

## SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

## Section

- 390.2010 Maintenance
- 390.2020 Housekeeping
- 390.2030 Laundry Services

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## SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

## Section

- 390.2210 Furnishings
- 390.2220 Equipment and Supplies
- 390.2230 Sterilization of Supplies and Equipment

## SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

## Section

- 390.2410 Codes
- 390.2420 Water Supply
- 390.2430 Sewage Disposal
- 390.2440 Plumbing

## SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

## Section

- 390.2610 Applicability of these Standards
- 390.2620 Codes and Standards
- 390.2630 Preparation of Drawings and Specifications
- 390.2640 Site
- 390.2650 Administration and Public Areas
- 390.2660 Nursing Unit
- 390.2670 Dining, Play, Activity/Program Rooms
- 390.2680 Therapy and Personal Care
- 390.2690 Service Departments
- 390.2700 General Building Requirements
- 390.2710 Structural
- 390.2720 Mechanical Systems
- 390.2730 Plumbing Systems
- 390.2740 Electrical Systems

## SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

## Section

- 390.2910 Applicability
- 390.2920 Codes and Standards
- 390.2930 Preparation of Drawings and Specifications

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390.2940	Site
390.2950	Administration and Public Areas
390.2960	Nursing Unit
390.2970	Play, Dining, Activity/Program Rooms
390.2980	Treatment and Personal Care
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390.3020	Mechanical Systems
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## SUBPART O: RESIDENT'S RIGHTS

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390.3210	General
390.3220	Medical and Personal Care Program
390.3230	Restraints (Repealed)
390.3240	Abuse and Neglect
390.3250	Communication and Visitation
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390.3270	Residents' Advisory Council
390.3280	Contract With Facility
390.3290	Private Right of Action
390.3300	Transfer or Discharge
390.3310	Complaint Procedures
390.3320	Confidentiality
390.3330	Facility Implementation

## SUBPART P: DAY CARE PROGRAMS

Section	
390.3510	Day Care in Long-Term Care Facilities
390.APPENDIX A	Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)
390.APPENDIX B	Forms for Day Care in Long-Term Care Facilities
390.APPENDIX C	Guidelines for the Use of Various Drugs
390.TABLE A	Infant Feeding
390.TABLE B	Daily Nutritional Requirements By Age Group

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390.TABLE C	Sound Transmissions Limitations
390.TABLE D	Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
390.TABLE E	Sprinkler Requirements
390.TABLE F	Heat Index Table/Apparent Temperature

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 Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16576, effective September 18,

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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; amended at 29 Ill. Reg. 12988, effective August 2, 2005; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 390.330 Definitions**

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

*Abuse – any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)*

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

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Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

*Access – the right to:*

*Enter any facility;*

*Communicate privately and without restriction with any resident who consents to the communication;*

*Seek consent to communicate privately and without restriction with any resident;*

*Inspect the clinical and other records of a resident with the express written consent of the resident;*

*Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)*

Act – as used in this Part, the Nursing Home Care Act [210 ILCS 45].

Activity Program – a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior – the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Adaptive Equipment – a physical or mechanical device, material or equipment attached or adjacent to the resident's body that may restrict freedom of movement or normal access to one's body, the purpose of which is to permit or encourage movement, or to provide opportunities for increased functioning, or to prevent contractures or deformities. Adaptive equipment is not a physical restraint. No

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matter the purpose, adaptive equipment does not include any device, material or method described in Section 390.1310 as a physical restraint.

Addition – any construction attached to the original building which increases the area or cubic content of the building.

Adequate – enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning – a notice to a facility issued by the Department under Section 390.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator – the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate – a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

*Affiliate – means:*

*With respect to a partnership, each partner thereof.*

*With respect to a corporation, each officer, director and stockholder thereof.*

*With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)*

Aide or Orderly – any person providing direct personal care, training or habilitation services to residents.

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Alteration – any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident – a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

*Applicant* – any person making application for a license. (Section 1-107 of the Act)

Appropriate – term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment – the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist – a person who is licensed as an audiologist under the Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].

Autism – a syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave – an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel – all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement – when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification – treatment to be used to establish or change behavior patterns.

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Cerebral Palsy – a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX – the issuance of a document by the Department to the Department of Health and Human Services or the Department of ~~Healthcare and Family Services~~ ~~Public Aid~~ verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse – a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

*Chemical Restraint – ~~any~~Any drug that is used for discipline or convenience and is not required to treat medical symptoms or behavior manifestations of mental illness. (Section 2-106 of the Act)*

Child Care/Habilitation Aide – any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives – service programs in the community provided as an alternative to institutionalization.

Continuing Care Contract – a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract – a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Convenience – the use of any restraint by the facility to control resident behavior or maintain a resident, which is not in the resident's best interest, and with less use of the facility's effort and resources than would otherwise be required by the facility. This definition is limited to the definition of chemical restraint and Section 390.1310 of this Part.

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Corporal Punishment – painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident – failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse.

Dentist – any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act [225 ILCS 25].

Department – as used in this Part means the Illinois Department of Public Health.

Developmental Disabilities (DD) Aide – any person who provides nursing, personal or habilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered to render medical care. Other titles often used to refer to DD Aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

*Developmental Disability – means a severe, chronic disability of a person which:*

*is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;*

*is manifested before the person attains age 22;*

*is likely to continue indefinitely;*

*results in substantial functional limitations in 3 or more of the following areas of major life activity:*

*self-care,*

*receptive and expressive language,*

*learning,*

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*mobility,*

*self-direction,*

*capacity for independent living, and*

*economic self-sufficiency; and*

*reflects the person's need for combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated.* (Section ~~3-801.13-801~~ of the Act)

Dietetic Service Supervisor – a person who:

is a dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the programs in the second, third or fourth paragraph of this definition.

Dietitian – a person who is a licensed dietitian as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30].

Direct Supervision – work performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is

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available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

*Director – the Director of the Department of Public Health or designee. (Section 1-110 of the Act)*

Director of Nursing Service – the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

*Discharge – the full release of any resident from a facility. (Section 1-111 of the Act)*

Discipline – any action taken by the facility for the purpose of punishing or penalizing residents.

Distinct Part – an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

*Emergency – a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)*

Epilepsy – a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Existing Long-Term Care Facility – any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Intermediate Care – a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services

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may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled – when used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled.

*Facility or Long-Term Care Facility – a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code [55 ILCS 5] or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act (42 USCA 1395 et seq. and 1936 et seq.). It also includes homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs. A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "Facility" does not include the following:*

*A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois other than homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs;*

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

*Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];*

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

*Any "community residential alternative" as defined in the Community*

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*Residential Alternatives Licensing Act [210 ILCS 140];*

*Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;*

*Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135];*

*Any supportive residence licensed under the Supportive Residences Licensing Act [210 ILCS 65];*

*Any supportive living facility in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code [305 ILCS 5/5-5.01a];*

*Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act [210 ILCS 9]; or*

*An Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act [210 ILCS 3]. (Section 1-113 of the Act)*

Facility, Long-Term Care, for Residents Under 22 Years of Age – when used in this Part is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total habilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care – when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance, and personal care.

Facility, Skilled Nursing – when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are

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provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility – having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time – on duty a minimum of 36 hours, four days per week.

Goal – an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

*Guardian – a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 [755 ILCS 5].*  
(Section 1-114 of the Act)

Habilitation – an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health ~~Information Management Consultant~~~~information management consultant~~ – a person who is certified as a Registered Health Information Administrator (RHIA) or a Registered Health Information Technician (RHIT) by the American Health Information Management Association; or is a graduate of a school of health information management that is accredited jointly by the American Medical Association and the American Health Information Management Association.

Health Services Supervisor (Director of Nursing Service) – the full-time Registered Nurse who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

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Home for the Aged – any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 [805 ILCS 105]; or, by a county pursuant to Division 5-22 of the Counties Code [55 ILCS 5]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes; and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization – the care and treatment of a person in a hospital as an inpatient.

*Identified Offender – a person who has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act, is a registered sex offender, or is serving a term of parole, mandatory supervised release, or probation for a felony offense. (Section 1-114.01 of the Act)*

Individual Education Program (IEP) – a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) – a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Interdisciplinary Team – a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) at least one member of the team shall be a Qualified Mental Retardation Professional. The Interdisciplinary Team includes the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator – a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70].

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Licensed Practical Nurse – a person with a valid Illinois license to practice as a practical nurse.

*Licensee – the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)*

Life Care Contract – a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

*Maintenance – food, shelter, and laundry services. (Section 1-116 of the Act)*

Maladaptive Behavior – impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Mentally Retarded and Mental Retardation – subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property – using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory – unable to walk independently or without assistance, but able to move from place to place with the use of a device such as a walker, crutches, a wheelchair, or a wheeled platform.

Mobile Resident – any resident who is able to move about either independently or with the aid of an assistive device such as a walker, crutches, a wheelchair, or a wheeled platform.

Monitor – a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

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*Neglect – a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition.* (Section 1-117 of the Act) Neglect means the failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious;  
or

a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

**New Long-Term Care Facility** – any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

**Normalization** – the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

*Nurse – a registered nurse or a licensed practical nurse as defined in the Nursing and Advanced Practice Nursing Act [225 ILCS 65].* (Section 1-118 of the Act)

**Nursing Assistant** – any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of [Financial and Professional Regulation](#) to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

**Nursing Care** – a complex of activities which carries out the diagnostic,

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therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit – a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective – an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) – a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act [225 ILCS 75].

Occupational Therapy Assistant – a person who is registered as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator – the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury – occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight – general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

*Owner – the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant*

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*shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act.* (Section 1-119 of the Act)

Person – any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

*Personal Care – assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his person, whether or not a guardian has been appointed for such individual.* (Section 1-120 of the Act)

Pharmacist, Registered – a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

*Physical Restraint – any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, which the individual cannot remove easily and which restricts freedom of movement or normal access to one's body.* (Section 2-106 of the Act)

Physical Therapist Assistant – a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist – a person who is registered as a physical therapist under the Illinois Physical Therapy Act [225 ILCS 90].

Physician – any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

Probationary License – an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Psychiatrist – a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist – a person who is licensed to practice clinical psychology under the Clinical Psychologist Licensing Act [225 ILCS 15].

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Qualified Mental Retardation Professional – a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional – a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

*Reasonable Visiting Hours – any time between the hours of 10:00 a.m. and 8:00 p.m. daily. (Section 1-121 of the Act)*

Registered Nurse – a person with a valid Illinois license to practice as a registered professional nurse under the Nursing and Advanced Practice Nursing Act.

*Repeat Violation – ~~for~~ purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that an accepted plan of correction was not complied with, within a period of not more than twelve months from the issuance of the initial violation. A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility. (Section 3-305(7) of the Act)*

Reputable Moral Character – having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court

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of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

*Resident – person residing in and receiving personal care from a facility. (Section 1-122 of the Act)*

Resident Services Director – the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

*Resident's Representative – a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)*

Restorative Care – a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Room – a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Sanitization – the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory – same as adequate.

Seclusion – the retention of a resident alone in a room with a door that the resident cannot open.

Self Preservation – the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

*Sheltered Care – maintenance and personal care. (Section 1-124 of the Act)*

Social Worker – [aA](#) person who is a licensed social worker or a licensed clinical

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social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

State Fire Marshal – the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization – the act or process of destroying completely all forms of microbial life, including viruses.

*Stockholder of a Corporation – any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)*

Story – when used in this Part, means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

*Student Intern – means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:*

*an academic credit requirement in a high school or undergraduate institution; or*

*immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)*

Substantial Compliance – meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 390.140(a)(3) and 390.150(a)(3).

Substantial Failure – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects

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given the particular circumstances involved. This definition is limited to the phrase as used in Section 390.165(b)(1).

Sufficient – ~~same~~Same as adequate.

Supervision – authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity.

Therapeutic Recreation Specialist – a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out – removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

*Title XVIII – Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)*

*Title XIX – Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)*

*Transfer – a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)*

*Type A Violation – a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)*

*Type B Violation – a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)*

Unit – an entire physically identifiable residence area having facilities meeting the

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standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

Universal Progress Notes – a common record with periodic narrative documentation by all persons involved in resident care.

Valid License – a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: POLICIES

**Section 390.625 Pre-admission Assessment and Request for Criminal History Record Information**

- a) Identified offenders who seek admission to a licensed facility shall not be admitted unless the licensed facility complies with the requirements of this Section and Section 390.635 of this Part. (Section 2-201.5(b) of the Act)
- b) To the extent authorized and accessible by law for persons under age 22, assessment must include the following:
  - 1) The facility shall check for the individual's name on the Illinois Sex Offender Registration website at [www.isp.state.il.us](http://www.isp.state.il.us) and the Illinois Department of Corrections sex registrant search page at [www.idoc.state.il.us](http://www.idoc.state.il.us) to determine if the individual is listed as a registered sex offender;
  - 2) The facility shall provide a questionnaire, prescribed by the Department, to be completed by the individual or his/her representative, asking whether the individual is a registered sex offender; is serving a term of parole, mandatory supervised release, or probation for a felony offense; or has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act. (Section 1-114.01 of the Act);
  - 3) The facility shall request criminal history record information in accordance with the Uniform Conviction Information Act (UCIA) [20 ILCS 2635]. Persons may be admitted to facilities while the results of a criminal history record information request are pending; and

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- 4) If the individual has a felony conviction and was in the custody of the Department of Corrections, the facility shall request the social evaluation prepared by the Department of Corrections pursuant to Section 3-8-2 of the Unified Code of Corrections [730 ILCS 5/3-8-2].
- c) The facility must review the assessments and all supporting documentation to determine whether the recommended placement of an identified offender is appropriate under Sections 390.630 and 390.635 of this Part. The facility is responsible for the development of a plan of care appropriate to the needs of the identified offender, in accordance with Section 390.635 of this Part. Information compiled concerning identified offenders must not be further disseminated except to the resident, law enforcement agencies, the parole office, the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation, and other facilities licensed or regulated by the Department, the Illinois Department of Healthcare and Family Services, or the Illinois Department of Human Services.
- d) The facility shall inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation within 48 hours after receiving verification from the Illinois State Police that a prospective or newly admitted resident is an identified offender.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 390.630 Admission, Retention and Discharge Policies**

- a) All involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act.
- b) A facility shall admit only residents who have had a comprehensive evaluation of their medical history and physical and psycho/social factors conducted by an appropriately constituted interdisciplinary team. No resident determined by professional evaluation to be in need of services not readily available in a particular facility shall be admitted to or kept in that facility. Additionally, emotional and cognitive histories shall be evaluated when applicable and available.
- c) A facility for persons under 22 years of age shall be used exclusively for persons under 22 years of age, except when the facility's interdisciplinary team has

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determined that either initial or continued placement in the facility is appropriate because of the resident's physical and mental functioning status, and that the facility has the service resources to meet the needs of the resident. The facility interdisciplinary team shall further determine that placement shall not constitute a serious danger to the other residents.

- d) A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident himself or, if the resident is a minor, by the resident's parent or guardian.
- e) If a resident insists on being discharged and is discharged against medical advice, the facts involved in the situation shall be fully documented in the resident's clinical record.
- f) No resident shall be discharged without the concurrence of the attending physician. If such approval is given, the facility shall have the right to discharge or transfer a resident to an appropriate resource in accordance with Sections 3-401 through 3-423 of the Act.
- g) A facility shall not admit more residents than the number authorized by the license issued to it.
- h) No identified offender shall be admitted to or kept in the facility, unless the requirements of Section 390.625(b) and (c) for new admissions and the requirements of Section 390.635 are met.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 390.635 Identified Offenders**

- a) On or before January 1, 2006, to the extent authorized and accessible by law for individuals under age 22, the facility must require each current resident or resident's representative to complete a questionnaire, prescribed by the Department, asking whether the resident *is a registered sex offender; is serving a term of parole, mandatory supervised release, or probation for a felony offense; or has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act.* (Section 1-114.01 of the Act)
- b) If identified offenders are residents of a facility, the facility shall comply with all of the following requirements:

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- 1) For those residents who are identified as offenders through either the questionnaire required by subsection (a), the comparison of residents with the Department of State Police and Department of Corrections web sites required by Section 3-202.3(3) of the Act, or through actual knowledge possessed by the facility, the facility must initiate a request for criminal history record information in accordance with the Uniform Conviction Information Act. Criminal history record information also shall be requested for individuals who refuse to complete the questionnaire.
- 2) The facility shall inform the appropriate county and local law enforcement offices of the identity of identified offenders who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense who are residents of the facility. *If a resident of a licensed facility is an identified offender, any federal, State, or local law enforcement officer or county probation officer shall be permitted reasonable access to the individual resident to verify compliance with the requirements of the Sex Offender Registration Act or to verify compliance with applicable terms of probation, parole, or mandatory supervised release.* (Section 2-110 of the Act) Reasonable access under this provision shall not interfere with the identified offender's medical or psychiatric care.
- 3) The facility staff shall meet with local law enforcement officials to discuss the need for and to develop, if needed, policies and procedures to address the presence of facility residents who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense, including compliance with Section 390.700 of this Part.
- 4) The facility must conspicuously post or display, in an area of its offices accessible to staff, current and prospective residents, family members, and visitors, notification, prescribed by the Department, that an identified offender is residing at the facility. The facility must direct specific inquiries about identified offenders to the Illinois Sex Offender Registration website at [www.isp.state.il.us](http://www.isp.state.il.us), the Illinois Department of Corrections sex registrant search page at [www.idoc.state.il.us](http://www.idoc.state.il.us), the Department of State Police, or local law enforcement agencies.

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- 5) The facility shall notify every resident or resident's guardian in writing that such offenders are residents of the facility. (Section 2-216 of the Act)
- 6) If the identified offender is on probation or parole status, the facility must contact the resident's probation or parole officer, acknowledge the terms of release, update contact information with the probation or parole office, and maintain updated contact information in the resident's record. The record must also include the resident's criminal history record.
- 7) The facility must inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation if the probation officer has not, within three days after the identified offender becomes a resident, provided the facility with copies of the following:
- A) pre-sentence investigation reports or social investigation reports;
- B) any applicable probation orders and corresponding compliance plans;
- C) the name and contact information for the assigned probation officer. (Section 12(11) of the Probation and Probation Officers Act [730 ILCS 110]).
- c) The facility must inform the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in writing within 48 hours after determining that a resident or residents of the licensed facility are listed on the Illinois Department of Corrections or Illinois State Police registered sex offender databases (Section 3-202.3 of the Act).
- d) Facilities must maintain written documentation of compliance with Section 390.625(b) of this Part and subsection (a) of this Section.
- e) Facilities must annually complete all of the steps required in subsection (b) of this Section for identified offenders. This requirement does not apply to residents who have not been discharged from the facility during the previous 12 months.
- f) For current residents who are identified offenders, the facility must conduct a risk assessment and review the screenings of the identified offender to determine the appropriateness of retention in the facility in accordance with subsection (h).

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- g) Upon admission of an identified offender to a facility or a decision to retain an identified offender in a facility, the facility, in consultation with the medical director and law enforcement, must specifically address the resident's needs in an individualized plan of care that reflects the risk assessment of the individual, in accordance with subsection (h) of this Section.
- h) In conducting a risk assessment of an identified offender and developing a plan of care, the facility shall consider the following:
- 1) The care and supervision needs, if any, specific to the individual's criminal offense;
  - 2) The results of the screening conducted pursuant to Section 390.625 of this Part;
  - 3) The amount of supervision required by the individual to ensure the safety of all residents, staff and visitors in the facility;
  - 4) The physical and mental abilities of the individual;
  - 5) The current medical assessments of the individual;
  - 6) The individual's needs in relation to his or her status as an identified offender;
  - 7) Approaches to resident care that are proactive and are appropriate and effective in dealing with any behaviors specific to the identified offense; and
  - 8) The number and qualifications of staff needed to meet the needs of the individual and the required level of supervision at all times.
- i) The care planning of identified offenders shall include a description of the security measures necessary to protect facility residents from the identified offender, including whether the identified offender should be segregated from other residents. (Section 3-202.3(5) of the Act) If the facility's risk assessment determines that an identified offender must have his or her own room, then all the criteria of this subsection must be met.
- 1) The room must be in direct view of the main nurses' station;

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- 2) The room must be separate from rooms of residents who are at risk; and
- 3) The resident must not share his or her room or bathroom with any other resident.
- j) The facility must evaluate care plans quarterly for identified offenders for appropriateness and effectiveness of the portions specific to the identified offense and must document such review. The facility must modify the care plan if necessary in response to this evaluation.
- k) Incident reports must be submitted to the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in compliance with Section 390.700 of this Part. The facility must review its placement determination of identified offenders based on incident reports involving the identified offender. In incident reports involving identified offenders, the facility must identify whether the incident involves substance abuse, aggressive behavior, or inappropriate sexual behavior, as well as any other behavior or activity that would be reasonably likely to cause harm to the identified offender or others. If the facility cannot protect the other residents from misconduct by the identified offender, then the facility shall transfer or discharge the identified offender in accordance with Section 390.3300 of this Part.
- l) The facility must notify the appropriate local law enforcement agency, the Illinois Prisoner Review Board, or the Department of Corrections of the incident and whether it involved substance abuse, aggressive behavior, or inappropriate sexual behavior that would necessitate relocation of that resident.
- m) The facility must develop procedures for implementing changes in resident care and facility policies when the resident no longer meets the definition of identified offender.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 390.636 Discharge Planning for Identified Offenders**

- a) All discharges and transfers shall be in accordance with Section 390.3300 of this Part.

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- b) A facility that admits or retains an identified offender shall have in place policies and procedures for the discharge of an identified offender for reasons related to the individual's status as an identified offender, including, but not limited to:
- 1) The facility's inability to meet the needs of the resident, based on Section 390.625(c) and Section 390.635 of this Part;
  - 2) The facility's inability to provide the security measures necessary to protect facility residents, staff and visitors; or
  - 3) The physical safety of the resident, other residents, the facility staff, or facility visitors.
- c) Discharge planning shall be included as part of the plan of care developed in accordance with Section 390.635(h).

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 390.637 Transfer of an Identified Offender**

- a) All discharges and transfers shall be in accordance with Section 390.3300 of this Part.
- b) When a resident who is an identified offender is transferred to another facility regulated by the Department, the Department of Healthcare and Family Services, or the Department of Human Services, the transferring facility must notify the Department and the receiving facility that the individual is an identified offender before making the transfer.
- c) This notification must include all of the documentation required under Section 390.635 of this Part, and the transferring facility must provide this information to the receiving facility to complete the discharge planning.
- d) If the following information has been provided to the transferring facility from the Department of Corrections, the transferring facility shall provide copies to the receiving facility before making the transfer:
- 1) The mittimus and any pre-sentence investigation reports;

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- 2) *The social evaluation prepared pursuant to Section 3-8-2 of the Unified Code of Corrections [730 ILCS 5/3-8-2];*
  - 3) *Any pre-release evaluation conducted pursuant to subsection (j) of Section 3-6-2 of the Unified Code of Corrections [730 ILCS 5/3-6-2];*
  - 4) *Reports of disciplinary infractions and dispositions;*
  - 5) *Any parole plan, including orders issued by the Illinois Prisoner Review Board and any violation reports and dispositions; and*
  - 6) *The name and contact information for the assigned parole agent and parole supervisor. (Section 3-14-1 of the Unified Code of Corrections)*
- e) *The information required by this Section shall be provided upon transfer. This information must not be further disseminated, except to the resident, law enforcement agencies, the parole office, the Department, and facilities licensed or regulated by the Department, the Illinois Department of Healthcare and Family Services, or the Illinois Department of Human Services.*

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
310.230	Amendment
310.280	Amendment
310.320	Amendment
310.410	Amendment
310.Appendix A Table W	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a]
- 5) Effective Date of Amendments: August 22, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A statement that 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. Copies of all Pay Plan amendments and Collective Bargaining contracts are available upon request from the Division of Technical Services.
- 9) Notices of Proposed published in the Illinois Register: May 6, 2005; 29 Ill. Reg. 6148
- 10) Has JCAR issued a Statement of Objection to these amendments? Yes
- 11) Differences between proposal and final version: Changes to the Source Notes reflect the preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; the preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; the proposed amendments adopted at 29 Ill. Reg. 8110, effective May 23, 2005; the preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; the preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; the proposed amendments adopted at 29 Ill. Reg. 9319, effective July 1, 2005; the preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; and the preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005.

In Section 310.230, the Apiary Inspector title and its corresponding rate are removed with the preemptory amendments at 29 Ill. Reg. 7217. Also in Section 310.230, the pay rate

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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minimums are changed to the hourly rate minimum of \$6.50 and the daily minimum of \$49.00. These changes are made with the proposed amendments adopted at 29 Ill. Reg. 8110.

In Section 310.280 and for the Department of Children and Family Services, the agency heading and designated rate are removed with the proposed amendments adopted at 29 Ill. Reg. 9319. For the Department of Commerce and Economic Opportunity, one designated rate is removed with the proposed amendments adopted at 29 Ill. Reg. 9319 and another designated rate is added with the proposed amendments adopted at 29 Ill. Reg. 8110. For the Department of Human Services, four designated rates are removed with the proposed amendments adopted at 29 Ill. Reg. 9319. For the Department of Natural Resources, the agency heading and designated rate are removed with the proposed amendments adopted at 29 Ill. Reg. 9319. For the Illinois State Police, the agency heading and two designated rates are removed with the proposed amendments adopted at 29 Ill. Reg. 9319. By agreement with the Joint Committee on Administrative Rules, Section 310.280 is amended to reflect the Department of Healthcare and Family Services, which was formerly named the Department of Public Aid. The renaming of the department was instituted through Executive Order Number 3 (2005) issued by Governor and filed with the Secretary of State on April 1, 2005, and effective July 1, 2005.

In Section 310.410, the Dentist II title and its salary plan MC-14, and the Oral Health Consultant title and its salary plan MC-07 were removed with the peremptory amendments at 29 Ill. Reg. 12076.

In Section 310.Appendix A Table W table of titles, salary grades and title codes is changed. The five-digit title code for the Equal Pay Specialist title is changed to 13837 because a class abolished in 1994 had used the previously assigned title code.

Also in Section 310.Appendix A Table W table of titles, salary grades and title codes, the titles Financial Institution Examiner I, II, III, and Trainee are changed to Financial Institutions Examiner I, II, III, and Trainee with the proposed amendments adopted at 29 Ill. Reg. 8110. The title Historical Exhibits Designer, its salary grade and title code are added with the proposed amendments adopted at 29 Ill. Reg. 8110. The titles Network Control Center Specialist, Network Control Center Technician I, II and Trainee, and Vocational Assessment Specialist, along with their corresponding salary grades and title codes, are removed with the proposed amendments adopted at 29 Ill. Reg. 8110. The titles Carnival and Amusement Safety Inspector and Trainee, Health and Safety Officer I, II and Trainee, along with their corresponding salary grades and title codes, are removed with the peremptory amendments at 29 Ill. Reg. 7840. The titles Public Safety Inspector and Trainee, along with their corresponding salary grades and title codes, are added with

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peremptory amendments at 29 Ill. Reg. 7840. The title Capital Development Board Art in Architecture Technician, and its salary grade and title code are added with the peremptory amendments at 29 Ill. Reg. 8418. The title Aircraft Pilot II Option C, and its salary grade, and title code are added with the proposed amendments adopted at 29 Ill. Reg. 9319. The salary grade for the title Flight Safety Coordinator is changed to RC-062-22 with the proposed amendments adopted at 29 Ill. Reg. 9319. The titles Health Planning Specialist I and II, along with their corresponding salary grades and title codes, are removed with the proposed amendments adopted at 29 Ill. Reg. 9319.

Section 310.Appendix A Table W was amended to reflect the AFSCME representation of the Capital Development Board Account Technician, Capital Development Board Construction Support Analyst, Capital Development Board Project Technician, Oral Health Consultant and Public Health Program Specialist III titles. The Capital Development Board Account Technician title is listed with its title code of 06515 and salary grade of RC-062-11. The Capital Development Board Construction Support Analyst title is listed with its title code of 06520 and salary grade of RC-062-11. The Capital Development Board Project Technician title is listed with its title code of 06530 and salary grade of RC-062-12. The Oral Health Consultant title is listed with its title code of 30317 and salary grade of RC-062-18. The Public Health Program Specialist III title is listed with its title code of 36613 and salary grade of RC-062-19. These changes were made with the peremptory amendments at 29 Ill. Reg. 12076.

In Section 310.Appendix A Table W tables of rates, their headings, effective dates and rates are changed to reflect the rates that are effective on July 1, 2005, and January 1, 2006. These changes are made with the proposed amendments adopted at 29 Ill. Reg. 9319.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments 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>
310.Appendix A, Table D	Amendment	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table E	Amendment	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table F	Amendment	28 Ill. Reg. 13949, 10/29/04
310.280	Amendment	29 Ill. Reg. 8253, 6/10/05
310.410	Amendment	29 Ill. Reg. 8253, 6/10/05

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.50	Amendment	29 Ill. Reg. 12683, 8/19/05
310.80	Amendment	29 Ill. Reg. 12683, 8/19/05
310.100	Amendment	29 Ill. Reg. 12683, 8/19/05
310.210	Amendment	29 Ill. Reg. 12683, 8/19/05
310.220	Amendment	29 Ill. Reg. 12683, 8/19/05
310.230	Amendment	29 Ill. Reg. 12683, 8/19/05
310.270	Amendment	29 Ill. Reg. 12683, 8/19/05
310.280	Amendment	29 Ill. Reg. 12683, 8/19/05
310.290	Amendment	29 Ill. Reg. 12683, 8/19/05
310.410	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table G	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table H	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table I	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table J	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table K	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table N	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table O	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table P	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table R	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table V	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table W	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table X	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table Y	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table Z	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix B	Amendment	29 Ill. Reg. 12683, 8/19/05

- 15) Summary and Purpose of Amendments: In Section 310.230 Part-Time Daily or Hourly Special Services Rate, the Student Intern title, with its rate, is added.

In Section 310.280 Designated Rate, the Illinois Labor Relations Board requested the removal of the designated rate of \$51,900 annually for a Private Secretary II, position number 34202-50-19-000-00-01. The position is currently vacant and does not currently require a designated rate of pay.

The Section 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director State Board of Elections is repealed. Effective March 29, 2005, Public Act 93-1091 exempts the State Board of Elections employees from the Personnel Code. The salaries of the Executive Director and Assistant Executive Director are

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removed from the Pay Plan. The Pay Plan's Table of Contents is amended to show that Section 310.320 is repealed.

In Section 310.410 Jurisdiction, the Equal Pay Specialist title was originally considered for the MC-04 rate but is represented by the American Federation of State, County and Municipal Employees (AFSCME) and was established with the Civil Service Commission approval on February 1, 2005. The Equal Pay Specialist title with its MC-04 salary range is removed from the merit compensation list.

In Section 310.Appendix A Table W RC-062 (Technical Employees, AFSCME), the Equal Pay Specialist title (title code 13837) with its salary grade of RC-062-17 is added.

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

Mr. Jason Doggett  
Acting Manager  
Compensation Section  
Division of Technical Services and Agency Training and Development  
Bureau of Personnel  
Department of Central Management Services  
504 William G. Stratton Building  
Springfield IL 62706

217/782-7964  
Fax: 217/524-4570

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2006
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate

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310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections ( <u>Repealed</u> )
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

## Section

310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 2006
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

## 310.APPENDIX A Negotiated Rates of Pay

310.TABLE A	HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
310.TABLE B	HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
310.TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)

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310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2006
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2006
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2006
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2006

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;

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emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

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## NOTICE OF ADOPTED AMENDMENTS

August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 14, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29

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## NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005.

## SUBPART B: SCHEDULE OF RATES

**Section 310.230 Part-Time Daily or Hourly Special Services Rate**

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

<u>Position</u>	<u>Rates</u>
Account Technician II	14.10 to 19.49 (hourly)
Building/Grounds Laborer	106 to 146 (daily)
Building/Grounds Lead I	6.50 (hourly)
Building/Grounds Lead II	6.50 to 7.00 (hourly)
Building/Grounds Maintenance Worker	6.50 to 8.00 (hourly)
Chaplain I	6.50 (hourly)
Chemist I	49 to 70 (daily)
Conservation/Historic Preservation Worker	49 (daily)
Conservation/Historic Preservation Worker (2nd season – site interpretation)	6.50 to 9.00 (hourly)
Conservation/Historic Preservation Worker (3rd season – site interpretation)	6.50 to 9.00 (hourly)
Dentist I	70 to 150 (daily)
Dentist II	100 to 185 (daily)
Educator	49 to 85 (daily)
Educator Aide	49 (daily)
Guard II	67 to 84 (daily)
Guard III	75 to 96 (daily)
Hearing and Speech Advanced Specialist	15 to 30 (hourly)
Hearings Referee	75 to 200 (daily)
Janitor I	6.50 (hourly)

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Labor Maintenance Lead Worker	6.50 (hourly)
Laborer (Maintenance)	7.05 to 8.00 (hourly)
Maintenance Worker	6.50 (hourly)
Occupational Therapist Program Coordinator	49 to 160 (daily)
Office Aide	10.45 to 13.46 (hourly)
	78 to 101 (daily)
Office Assistant	12.18 to 16.04 (hourly)
	91 to 120 (daily)
Office Associate	12.24 to 16.42 (hourly)
	92 to 123 (daily)
Office Clerk	11.55 to 15.08 (hourly)
	87 to 113 (daily)
Optometrist	15 to 35 (hourly)
	50 to 160 (daily)
Physician	100 to 300 (daily)
Physician Specialist (A)	20 to 60 (hourly)
	100 to 325 (daily)
Physician Specialist (B)	20 to 70 (hourly)
	100 to 350 (daily)
Physician Specialist (C)	20 to 105 (hourly)
	100 to 360 (daily)
Physician Specialist (D)	20 to 115 (hourly)
	100 to 370 (daily)
Podiatrist	50 to 125 (daily)
Psychologist I	49 to 80 (daily)
Psychologist II	49 to 125 (daily)
Psychologist III	49 to 150 (daily)
Recreation Worker I	6.50 (hourly)
	49 (daily)
Registered Nurse I	49 to 54 (daily)
Registered Nurse I (2nd or 3rd shift)	49 to 56 (daily)
Registered Nurse I (Cook County)	49 to 58 (daily)
Registered Nurse I (Cook County – 2nd or 3rd shift)	49 to 59 (daily)
Registered Nurse II	49 to 58 (daily)
Registered Nurse II (2nd or 3rd shift)	49 to 59 (daily)
Registered Nurse II (Cook County)	49 to 60 (daily)
Registered Nurse II (Cook County – 2nd or 3rd shift)	49 to 62 (daily)
Revenue Tax Specialist I	14.10 to 19.49 (hourly)
	106 to 146 (daily)
Social Worker II	49 to 75 (daily)

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Social Worker III	49 to 80 (daily)
<u>Student Intern</u>	<u>6.50 to 13.04 (hourly)</u>
Student Worker	6.50 to 8.00 (hourly)
Technical Advisor II	32 to 35 (hourly)
Technical Advisor III	32 to 60 (hourly)
Veterinarian II	95 to 130 (daily)

(Source: Amended at 29 Ill. Reg. 13540, effective August 22, 2005)

**Section 310.280 Designated Rate**

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Commerce & Economic Opportunity

Private Secretary II (Pos. No. 34202-42-00-000-01-02)	<u>Annual Salary</u> 60,000
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Department of Human Services

Administrative Assistant I (Pos. No. 00501-10-68-010-80-21)	<u>Annual Salary</u> 55,200
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Medical Administrator V (Pos. No. 26406-10-76-000-00-01)	<u>Annual Salary</u> 186,000
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Illinois Labor Relations Board

<del>Private Secretary II (Pos. No. 34202-50-19-000-00-01)</del>	<del><u>Annual Salary</u> 51,900</del>
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Department of Healthcare and Family ServicesPublic Aid

Senior Public Service Administrator (Pos. No. 40070-33-20-000-00-61)	<u>Annual Salary</u> 123,060
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Department of Public Health

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## NOTICE OF ADOPTED AMENDMENTS

Senior Public Service Administrator (Pos. No. 40070-20-80-000-00-81)	<u>Annual Salary</u> 134,000
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Department of Revenue

Public Service Administrator (Pos. No. 37015-25-61-140-80-01)	<u>Annual Salary</u> 76,668
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Public Service Administrator (Pos. No. 37015-25-61-140-90-01)	<u>Annual Salary</u> 74,904
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(Source: Amended at 29 Ill. Reg. 13540, effective August 22, 2005)

**Section 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)**

~~As provided in P.A. 83-0941 and subject to Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a], the State Board of Elections shall determine the annual compensation of its Executive Director and Assistant Executive Director consistent with the following:~~

	<u>Annual Salary</u>
<del>Executive Director</del>	<del>Equivalent to Salary Range MC 15 as set forth in 310.Appendix D</del>
<del>Assistant Executive Director</del>	<del>Equivalent to Salary Range MC 13 as set forth in 310.Appendix D</del>

(Source: Repealed at 29 Ill. Reg. 13540, effective August 22, 2005)

## SUBPART C: MERIT COMPENSATION SYSTEM

**Section 310.410 Jurisdiction**

The Merit Compensation System shall apply to all classes of positions designated below and in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Section 310.Appendix G.

Position TitleSalary Plan

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Accountant Supervisor	MC-05
Activity Therapist Supervisor	MC-07
Actuary III	MC-16
Administrative Assistant I	MC-04
Administrative Assistant II	MC-06
Agricultural Marketing Representative	MC-05
Assignment Coordinator	MC-07
Assistant Automotive Shop Supervisor	MC-03
Automotive Shop Supervisor	MC-07
Boat Safety Inspection Supervisor	MC-06
Building Construction Inspector I	MC-04
Building Construction Inspector II	MC-05
Business Manager	MC-05
Commerce Commission Police Sergeant	MC-07
Corrections Leisure Activities Specialist III	MC-06
Corrections Leisure Activities Specialist IV	MC-07
Corrections Vocational School Supervisor	MC-05
Court Reporter Supervisor	MC-08
Data Processing Supervisor II	MC-04
Data Processing Supervisor III	MC-07
Dietary Manager I	MC-03
Dietary Manager II	MC-05
Disability Claims Analyst	MC-06
Economic Development Representative I	MC-05
Economic Development Representative II	MC-07
Elections Specialist I	MC-03
Elections Specialist II	MC-05
Elections Specialist III	MC-07
Electrical Engineer	MC-10
Employment Security Field Office Supervisor	MC-06
Engineering Technician IV	MC-07
Executive I	MC-05
<del>Equal Pay Specialist</del>	<del>MC-04</del>
Executive II	MC-07
Executive Secretary II	MC-01
Executive Secretary III	MC-02
Facility Fire Chief	MC-02
Guard Supervisor	MC-01

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## NOTICE OF ADOPTED AMENDMENTS

Guardianship Supervisor	MC-07
Highway Construction Supervisor I	MC-07
Highway Construction Supervisor II	MC-09
Historical Library Chief of Acquisitions	MC-06
Human Rights Mediator	MC-05
Human Rights Specialist III	MC-07
Human Services Casework Manager	MC-07
Industrial and Community Development Representative I	MC-05
Industrial and Community Development Representative II	MC-07
Internal Auditor I	MC-05
Internal Security Investigator I	MC-04
Internal Security Investigator II	MC-07
International Marketing Representative I	MC-05
Kidcare Supervisor I	MC-06
Kidcare Supervisor II	MC-07
Laundry Manager I	MC-01
Liability Claims Adjuster II	MC-06
Librarian II	MC-05
Lottery Regional Coordinator	MC-07
Management Operations Analyst I	MC-06
Manuscripts Manager	MC-06
Meat and Poultry Inspector Supervisor	MC-05
Mental Health Administrator I	MC-05
Mental Health Administrator II	MC-07
Methods and Procedures Advisor III	MC-07
Mine Rescue Station Supervisor	MC-01
Office Administrator IV	MC-02
Office Administrator V	MC-03
Plumbing Consultant	MC-09
Police Lieutenant	MC-09
Private Secretary I	MC-02
Private Secretary II	MC-04
Property Tax Analyst III	MC-05
Public Aid Family Support Specialist II	MC-05
Public Aid Quality Control Supervisor	MC-07
Public Aid Staff Development Specialist III	MC-06
Public Health Program Specialist III	MC-07
Public Information Coordinator	MC-06

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Radiologic Technologist Chief	MC-03
Rehabilitation Workshop Supervisor III	MC-05
Reimbursement Officer II	MC-05
Reproduction Service Supervisor I	MC-02
Reproduction Service Supervisor II	MC-04
Residential Care Program Supervisor I	MC-06
Retirement System Disability Specialist	MC-06
Safety Responsibility Analyst Supervisor	MC-02
Security Officer Chief	MC-04
Security Officer Lieutenant	MC-02
Security Therapy Aide IV	MC-05
Sign Shop Foreman	MC-06
Staff Development Specialist I	MC-05
Staff Development Technician II	MC-03
Statistical Research Specialist III	MC-06
Statistical Research Supervisor	MC-07
Storekeeper III	MC-01
Supervising Vehicle Testing Compliance Officer	MC-06
Switchboard Chief Operator	MC-01
Technical Advisor I	MC-05
Technical Advisor II	MC-07
Telecommunications Supervisor	MC-07
Utility Engineer I	MC-05
Utility Engineer II	MC-07
Vehicle Emissions Compliance Supervisor	MC-05
Volunteer Services Coordinator III	MC-07
Waterways Construction Supervisor I	MC-05
Waterways Construction Supervisor II	MC-07

(Source: Amended at 29 Ill. Reg. 13540, effective August 22, 2005)

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## NOTICE OF ADOPTED AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Accountant	RC-062-14	00130
Accountant Advanced	RC-062-16	00133
Accounting and Fiscal Administration Career Trainee	RC-062-12	00140
Activity Therapist	RC-062-15	00157
Activity Therapist Coordinator	RC-062-17	00160
Actuarial Assistant	RC-062-16	00187
Actuarial Examiner	RC-062-16	00195
Actuarial Examiner Trainee	RC-062-13	00196
Actuarial Senior Examiner	RC-062-19	00197
Actuary I	RC-062-20	00201
Actuary II	RC-062-24	00202
Agricultural Market News Assistant	RC-062-12	00804
Agricultural Marketing Generalist	RC-062-14	00805
Agricultural Marketing Reporter	RC-062-18	00807
Agricultural Marketing Representative	RC-062-18	00810
Agriculture Land and Water Resource Specialist I	RC-062-14	00831
Agriculture Land and Water Resource Specialist II	RC-062-17	00832
Agriculture Land and Water Resource Specialist III	RC-062-20	00833
Aircraft Pilot I	RC-062-19	00955
Aircraft Pilot II	RC-062-22	00956
Aircraft Pilot II Option C	RC-062-23	00956
Appraisal Specialist I	RC-062-14	01251
Appraisal Specialist II	RC-062-16	01252
Appraisal Specialist III	RC-062-18	01253
Arts Council Associate	RC-062-12	01523
Arts Council Program Coordinator	RC-062-18	01526
Arts Council Program Representative	RC-062-15	01527
Assignment Coordinator	RC-062-20	01530
Bank Examiner I	RC-062-16	04131
Bank Examiner II	RC-062-19	04132
Bank Examiner III	RC-062-22	04133
Behavioral Analyst Associate	RC-062-15	04355
Behavioral Analyst I	RC-062-17	04351
Behavioral Analyst II	RC-062-19	04352
Business Administrative Specialist	RC-062-16	05810

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Buyer	RC-062-18	05900
Capital Development Board Account Technician	RC-062-11	06515
Capital Development Board Art in Architecture Technician	RC-062-12	06533
Capital Development Board Construction Support Analyst	RC-062-11	06520
Capital Development Board Project Technician	RC-062-12	06530
Chemist I	RC-062-16	06941
Chemist II	RC-062-19	06942
Chemist III	RC-062-21	06943
Child Protection Advanced Specialist	RC-062-19	07161
Child Protection Associate Specialist	RC-062-16	07162
Child Protection Specialist	RC-062-18	07163
Child Welfare Associate Specialist	RC-062-16	07216
Child Welfare Staff Development Coordinator I	RC-062-17	07201
Child Welfare Staff Development Coordinator II	RC-062-19	07202
Child Welfare Staff Development Coordinator III	RC-062-20	07203
Child Welfare Staff Development Coordinator IV	RC-062-22	07204
Children and Family Service Intern – Option 1	RC-062-12	07241
Children and Family Service Intern – Option 2	RC-062-15	07242
Clinical Laboratory Technologist I	RC-062-18	08220
Clinical Laboratory Technologist II	RC-062-19	08221
Clinical Laboratory Technologist Trainee	RC-062-14	08229
Communications Systems Specialist	RC-062-23	08860
Community Management Specialist I	RC-062-15	08891
Community Management Specialist II	RC-062-17	08892
Community Management Specialist III	RC-062-19	08893
Community Planner I	RC-062-15	08901
Community Planner II	RC-062-17	08902
Community Planner III	RC-062-19	08903
Conservation Education Representative	RC-062-12	09300
Conservation Grant Administrator I	RC-062-18	09311
Conservation Grant Administrator II	RC-062-20	09312
Conservation Grant Administrator III	RC-062-22	09313
Construction Program Assistant	RC-062-12	09525
Correctional Counselor I	RC-062-15	09661
Correctional Counselor II	RC-062-17	09662
Correctional Counselor III	RC-062-19	09663
Corrections Academy Trainer	RC-062-17	09732
Corrections Apprehension Specialist	RC-062-19	09750
Corrections Industries Marketing Representative	RC-062-17	09803

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Corrections Leisure Activities Specialist I	RC-062-15	09811
Corrections Leisure Activities Specialist II	RC-062-17	09812
Corrections Leisure Activities Specialist III	RC-062-19	09813
Corrections Parole Agent	RC-062-17	09842
Corrections Senior Parole Agent	RC-062-19	09844
Criminal Intelligence Analyst I	RC-062-18	10161
Criminal Intelligence Analyst II	RC-062-20	10162
Criminal Intelligence Analyst Specialist	RC-062-22	10165
Criminal Justice Specialist I	RC-062-16	10231
Criminal Justice Specialist II	RC-062-20	10232
Criminal Justice Specialist Trainee	RC-062-13	10236
Curator of the Lincoln Collection	RC-062-16	10750
Day Care Licensing Representative I	RC-062-16	11471
Developmental Disabilities Council Program Planner I	RC-062-12	12361
Developmental Disabilities Council Program Planner II	RC-062-16	12362
Developmental Disabilities Council Program Planner III	RC-062-18	12363
Dietitian	RC-062-15	12510
Disability Appeals Officer	RC-062-22	12530
Disability Claims Adjudicator I	RC-062-16	12537
Disability Claims Adjudicator II	RC-062-18	12538
Disability Claims Adjudicator Trainee	RC-062-13	12539
Disability Claims Analyst	RC-062-20	12540
Disability Claims Specialist	RC-062-19	12558
Disaster Services Planner	RC-062-19	12585
Document Examiner	RC-062-22	12640
Educator – Provisional	RC-062-12	13105
Employment Security Manpower Representative I	RC-062-12	13621
Employment Security Manpower Representative II	RC-062-14	13622
Employment Security Program Representative	RC-062-14	13650
Employment Security Program Representative – Intermittent	RC-062-14H	13651
Employment Security Service Representative	RC-062-16	13667
Employment Security Specialist I	RC-062-14	13671
Employment Security Specialist II	RC-062-16	13672
Employment Security Specialist III	RC-062-19	13673
Employment Security Tax Auditor I	RC-062-17	13681
Employment Security Tax Auditor II	RC-062-19	13682
Energy and Natural Resources Specialist I	RC-062-15	13711
Energy and Natural Resources Specialist II	RC-062-17	13712
Energy and Natural Resources Specialist III	RC-062-19	13713

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Energy and Natural Resources Specialist Trainee	RC-062-12	13715
Environmental Health Specialist I	RC-062-14	13768
Environmental Health Specialist II	RC-062-16	13769
Environmental Health Specialist III	RC-062-18	13770
Environmental Protection Associate	RC-062-12	13785
Environmental Protection Specialist I	RC-062-14	13821
Environmental Protection Specialist II	RC-062-16	13822
Environmental Protection Specialist III	RC-062-18	13823
Environmental Protection Specialist IV	RC-062-22	13824
<u>Equal Pay Specialist</u>	<u>RC-062-17</u>	<u>13837</u>
Financial Institutions Examiner I	RC-062-16	14971
Financial Institutions Examiner II	RC-062-19	14972
Financial Institutions Examiner III	RC-062-22	14973
Financial Institutions Examiner Trainee	RC-062-13	14978
Flight Safety Coordinator	RC-062-22	15640
Forensic Scientist I	RC-062-18	15891
Forensic Scientist II	RC-062-20	15892
Forensic Scientist III	RC-062-22	15893
Forensic Scientist Trainee	RC-062-15	15897
Guardianship Representative	RC-062-17	17710
Habilitation Program Coordinator	RC-062-17	17960
Handicapped Services Representative I	RC-062-11	17981
Health Facilities Surveyor I	RC-062-16	18011
Health Facilities Surveyor II	RC-062-19	18012
Health Facilities Surveyor III	RC-062-20	18013
Health Services Investigator I – Opt. A	RC-062-19	18181
Health Services Investigator I – Opt. B	RC-062-20	18182
Health Services Investigator II – Opt. A	RC-062-22	18185
Health Services Investigator II – Opt. B	RC-062-22	18186
Health Services Investigator II – Opt. C	RC-062-25	18187
Health Services Investigator II – Opt. D	RC-062-25	18188
Historical Documents Conservator I	RC-062-13	18981
Historical Exhibits Designer	RC-062-15	18985
Historical Research Editor II	RC-062-14	19002
Human Relations Representative	RC-062-16	19670
Human Rights Investigator I	RC-062-15	19774
Human Rights Investigator II	RC-062-17	19775
Human Rights Investigator III	RC-062-18	19776
Human Rights Specialist I	RC-062-14	19778
Human Rights Specialist II	RC-062-16	19779

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Human Services Caseworker	RC-062-16	19785
Human Services Grants Coordinator I	RC-062-14	19791
Human Services Grants Coordinator II	RC-062-17	19792
Human Services Grants Coordinator III	RC-062-20	19793
Human Services Grants Coordinator Trainee	RC-062-12	19796
Human Services Sign Language Interpreter	RC-062-16	19810
Iconographer	RC-062-12	19880
Industrial Services Consultant I	RC-062-14	21121
Industrial Services Consultant II	RC-062-16	21122
Industrial Services Consultant Trainee	RC-062-11	21125
Industrial Services Hygienist	RC-062-19	21127
Industrial Services Hygienist Technician	RC-062-16	21130
Industrial Services Hygienist Trainee	RC-062-12	21133
Information Technology/Communication Systems Specialist I	RC-062-19	21216
Information Technology/Communication Systems Specialist II	RC-062-24	21217
Instrument Designer	RC-062-18	21500
Insurance Analyst III	RC-062-14	21563
Insurance Analyst IV	RC-062-16	21564
Insurance Company Claims Examiner II	RC-062-19	21602
Insurance Company Field Staff Examiner	RC-062-16	21608
Insurance Company Financial Examiner Trainee	RC-062-13	21610
Insurance Performance Examiner I	RC-062-14	21671
Insurance Performance Examiner II	RC-062-16	21672
Insurance Performance Examiner III	RC-062-20	21673
Intermittent Unemployment Insurance Representative	RC-062-12H	21689
Internal Auditor I	RC-062-17	21721
Labor Conciliator	RC-062-20	22750
Laboratory Equipment Specialist	RC-062-18	22990
Laboratory Quality Specialist I	RC-062-19	23021
Laboratory Quality Specialist II	RC-062-21	23022
Laboratory Research Specialist I	RC-062-19	23027
Laboratory Research Specialist II	RC-062-21	23028
Land Acquisition Agent I	RC-062-15	23091
Land Acquisition Agent II	RC-062-18	23092
Land Acquisition Agent III	RC-062-21	23093
Land Reclamation Specialist I	RC-062-14	23131
Land Reclamation Specialist II	RC-062-17	23132
Liability Claims Adjuster I	RC-062-14	23371

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Library Associate	RC-062-12	23430
Life Sciences Career Trainee	RC-062-12	23600
Liquor Control Special Agent II	RC-062-15	23752
Local Historical Services Representative	RC-062-17	24000
Local Housing Advisor I	RC-062-14	24031
Local Housing Advisor II	RC-062-16	24032
Local Housing Advisor III	RC-062-18	24033
Local Revenue and Fiscal Advisor I	RC-062-15	24101
Local Revenue and Fiscal Advisor II	RC-062-17	24102
Local Revenue and Fiscal Advisor III	RC-062-19	24103
Lottery Sales Representative	RC-062-16	24515
Management Operations Analyst I	RC-062-18	25541
Management Operations Analyst II	RC-062-20	25542
Manpower Planner I	RC-062-14	25591
Manpower Planner II	RC-062-17	25592
Manpower Planner III	RC-062-20	25593
Manpower Planner Trainee	RC-062-12	25597
Medical Assistance Consultant I	RC-062-13	26501
Medical Assistance Consultant II	RC-062-16	26502
Medical Assistance Consultant III	RC-062-19	26503
Mental Health Specialist I	RC-062-12	26924
Mental Health Specialist II	RC-062-14	26925
Mental Health Specialist III	RC-062-16	26926
Mental Health Specialist Trainee	RC-062-11	26928
Meteorologist	RC-062-18	27120
Methods and Procedures Advisor I	RC-062-14	27131
Methods and Procedures Advisor II	RC-062-16	27132
Methods and Procedures Career Associate I	RC-062-11	27135
Methods and Procedures Career Associate II	RC-062-12	27136
Methods and Procedures Career Associate Trainee	RC-062-09	27137
Metrologist Associate	RC-062-15	27146
Microbiologist I	RC-062-16	27151
Microbiologist II	RC-062-19	27152
Natural Resources Advanced Specialist	RC-062-20	28833
Natural Resources Coordinator	RC-062-15	28831
Natural Resources Specialist	RC-062-18	28832
Oral Health Consultant	RC-062-18	30317
Paralegal Assistant	RC-062-14	30860
Police Training Specialist	RC-062-17	32990
Program Integrity Auditor I	RC-062-16	34631

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Program Integrity Auditor II	RC-062-19	34632
Program Integrity Auditor Trainee	RC-062-12	34635
Property Consultant	RC-062-15	34900
Property Tax Analyst I	RC-062-12	34921
Property Tax Analyst II	RC-062-14	34922
Public Aid Appeals Advisor	RC-062-18	35750
Public Aid Family Support Specialist I	RC-062-17	35841
Public Aid Investigator	RC-062-19	35870
Public Aid Investigator Trainee	RC-062-14	35874
Public Aid Lead Casework Specialist	RC-062-17	35880
Public Aid Program Quality Analyst	RC-062-19	35890
Public Aid Quality Control Reviewer	RC-062-17	35892
Public Aid Staff Development Specialist I	RC-062-15	36071
Public Aid Staff Development Specialist II	RC-062-17	36072
Public Health Educator Associate	RC-062-14	36434
Public Health Program Specialist I	RC-062-14	36611
Public Health Program Specialist II	RC-062-16	36612
Public Health Program Specialist III	RC-062-19	36613
Public Health Program Specialist Trainee	RC-062-12	36615
Public Information Officer I	RC-062-12	37001
Public Information Officer II	RC-062-14	37002
Public Information Officer III	RC-062-19	37003
Public Information Officer IV	RC-062-21	37004
Public Safety Inspector	RC-062-16	37007
Public Safety Inspector Trainee	RC-062-10	37010
Railroad Safety Specialist I	RC-062-19	37601
Railroad Safety Specialist II	RC-062-21	37602
Railroad Safety Specialist III	RC-062-23	37603
Railroad Safety Specialist IV	RC-062-25	37604
Real Estate Investigator	RC-062-19	37730
Real Estate Professions Examiner	RC-062-22	37760
Recreation Worker I	RC-062-12	38001
Recreation Worker II	RC-062-14	38002
Rehabilitation Counselor	RC-062-17	38145
Rehabilitation Counselor Senior	RC-062-19	38158
Rehabilitation Counselor Trainee	RC-062-15	38159
Rehabilitation Services Advisor I	RC-062-20	38176
Rehabilitation Workshop Supervisor I	RC-062-12	38194
Rehabilitation Workshop Supervisor II	RC-062-14	38195
Reimbursement Officer I	RC-062-14	38199

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## NOTICE OF ADOPTED AMENDMENTS

Reimbursement Officer II	RC-062-16	38200
Research Economist I	RC-062-18	38207
Research Scientist I	RC-062-13	38231
Research Scientist II	RC-062-16	38232
Research Scientist III	RC-062-20	38233
Resource Planner I	RC-062-17	38281
Resource Planner II	RC-062-19	38282
Resource Planner III	RC-062-22	38283
Revenue Auditor I (IL)	RC-062-16	38371
Revenue Auditor I (states other than IL, CA or NJ)	RC-062-19	38371
Revenue Auditor I (CA or NJ)	RC-062-21	38371
Revenue Auditor II (IL)	RC-062-19	38372
Revenue Auditor II (states other than IL, CA or NJ)	RC-062-22	38372
Revenue Auditor II (CA or NJ)	RC-062-24	38372
Revenue Auditor III (IL)	RC-062-22	38373
Revenue Auditor III (states other than IL, CA or NJ)	RC-062-24	38373
Revenue Auditor III (CA or NJ)	RC-062-26	38373
Revenue Auditor Trainee	RC-062-12	38375
Revenue Collection Officer I	RC-062-15	38401
Revenue Collection Officer II	RC-062-17	38402
Revenue Collection Officer III	RC-062-19	38403
Revenue Collection Officer Trainee	RC-062-12	38405
Revenue Computer Audit Specialist (IL)	RC-062-23	38425
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	RC-062-25	38425
Revenue Computer Audit Specialist (CA or NJ)	RC-062-27	38425
Revenue Senior Special Agent	RC-062-23	38557
Revenue Special Agent	RC-062-19	38558
Revenue Special Agent Trainee	RC-062-14	38565
Revenue Tax Specialist I	RC-062-12	38571
Revenue Tax Specialist II	RC-062-14	38572
Revenue Tax Specialist III	RC-062-17	38573
Revenue Tax Specialist Trainee	RC-062-10	38575
Site Assistant Superintendent I	RC-062-15	41071
Site Assistant Superintendent II	RC-062-17	41072
Site Interpretive Coordinator	RC-062-13	41093
Site Services Specialist I	RC-062-15	41117
Site Services Specialist II	RC-062-17	41118
Social Service Consultant I	RC-062-18	41301
Social Service Consultant II	RC-062-19	41302

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Social Service Program Planner I	RC-062-15	41311
Social Service Program Planner II	RC-062-17	41312
Social Service Program Planner III	RC-062-20	41313
Social Service Program Planner IV	RC-062-22	41314
Social Services Career Trainee	RC-062-12	41320
Social Worker I	RC-062-16	41411
Staff Development Technician I	RC-062-12	41781
State Police Field Specialist I	RC-062-18	42001
State Police Field Specialist II	RC-062-20	42002
Statistical Research Specialist I	RC-062-12	42741
Statistical Research Specialist II	RC-062-14	42742
Statistical Research Specialist III	RC-062-17	42743
Storage Tank Safety Specialist	RC-062-18	43005
Telecommunications Specialist	RC-062-15	45295
Telecommunications Systems Analyst	RC-062-17	45308
Telecommunications Systems Technician I	RC-062-10	45312
Telecommunications Systems Technician II	RC-062-13	45313
Unemployment Insurance Adjudicator I	RC-062-11	47001
Unemployment Insurance Adjudicator II	RC-062-13	47002
Unemployment Insurance Adjudicator III	RC-062-15	47003
Unemployment Insurance Revenue Analyst I	RC-062-15	47081
Unemployment Insurance Revenue Analyst II	RC-062-17	47082
Unemployment Insurance Revenue Specialist	RC-062-13	47087
Unemployment Insurance Special Agent	RC-062-18	47096
Veterans Educational Specialist I	RC-062-15	47681
Veterans Educational Specialist II	RC-062-17	47682
Veterans Educational Specialist III	RC-062-21	47683
Veterans Employment Representative I	RC-062-14	47701
Veterans Employment Representative II	RC-062-16	47702
Volunteer Services Coordinator I	RC-062-13	48481
Volunteer Services Coordinator II	RC-062-16	48482
Wage Claims Specialist	RC-062-09	48770
Weatherization Specialist I	RC-062-14	49101
Weatherization Specialist II	RC-062-17	49102
Weatherization Specialist III	RC-062-20	49103
Weatherization Specialist Trainee	RC-062-12	49105

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## NOTICE OF ADOPTED AMENDMENTS

	S T E P S										
	1c	1b	1a	1	2	3	4	5	6	7	8
09	2248	2303	2359	2417	2493	2573	2652	2737	2818	2951	3039
09Q	2321	2377	2436	2497	2574	2658	2740	2829	2914	3053	3145
09S	2374	2432	2490	2550	2628	2712	2796	2886	2971	3111	3204
10	2319	2377	2436	2496	2587	2664	2752	2839	2927	3076	3169
10Q	2394	2453	2514	2578	2671	2753	2845	2936	3027	3188	3282
10S	2447	2507	2568	2631	2725	2809	2901	2991	3087	3248	3346
11	2403	2462	2525	2588	2676	2763	2862	2957	3049	3210	3307
11Q	2481	2543	2606	2672	2767	2858	2960	3059	3157	3326	3426
11S	2536	2597	2660	2726	2823	2913	3016	3117	3217	3386	3488
12	2497	2559	2623	2691	2790	2883	2990	3088	3202	3374	3475
12Q	2579	2643	2710	2782	2885	2980	3096	3200	3318	3498	3603
12S	2633	2697	2765	2837	2941	3038	3155	3261	3379	3560	3667
12H	15.37	15.75	16.14	16.56	17.17	17.74	18.40	19.00	19.70	20.76	21.38
12HQ	15.87	16.26	16.68	17.12	17.75	18.34	19.05	19.69	20.42	21.53	22.17
12HS	16.20	16.60	17.02	17.46	18.10	18.70	19.42	20.07	20.79	21.91	22.57
13	2588	2653	2721	2793	2896	3006	3119	3233	3353	3540	3647
13Q	2672	2742	2813	2888	2995	3112	3233	3351	3475	3673	3783
13S	2726	2797	2869	2944	3052	3171	3294	3412	3538	3736	3848
14	2693	2763	2838	2913	3024	3142	3279	3399	3528	3733	3845
14Q	2784	2858	2935	3013	3131	3257	3399	3526	3661	3874	3990
14S	2839	2913	2990	3071	3192	3317	3460	3587	3723	3935	4053
14H	16.57	17.00	17.46	17.93	18.61	19.34	20.18	20.92	21.71	22.97	23.66
14HQ	17.13	17.59	18.06	18.54	19.27	20.04	20.92	21.70	22.53	23.84	24.55
14HS	17.47	17.93	18.40	18.90	19.64	20.41	21.29	22.07	22.91	24.22	24.94
15	2797	2871	2949	3028	3161	3292	3421	3561	3693	3915	4033
15Q	2893	2970	3051	3135	3275	3412	3549	3696	3832	4062	4183
15S	2948	3025	3109	3196	3336	3471	3613	3758	3893	4124	4247

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

16	2921	3000	3082	3170	3313	3458	3603	3753	3903	4133	4257
16Q	3021	3105	3194	3286	3433	3588	3739	3892	4049	4289	4418
16S	3080	3165	3254	3347	3496	3652	3803	3956	4113	4350	4482
17	3051	3137	3227	3321	3475	3635	3789	3942	4102	4347	4477
17Q	3160	3251	3346	3441	3606	3772	3930	4090	4256	4510	4646
17S	3219	3312	3406	3504	3669	3836	3994	4153	4318	4574	4711
18	3207	3299	3394	3495	3664	3835	4009	4173	4340	4599	4738
18Q	3323	3419	3520	3626	3805	3979	4161	4332	4503	4772	4915
18S	3383	3479	3584	3687	3866	4042	4223	4393	4568	4834	4979
19	3375	3473	3576	3684	3872	4055	4244	4421	4606	4885	5032
19Q	3499	3603	3711	3822	4017	4204	4404	4587	4780	5068	5220
19S	3561	3667	3775	3885	4081	4269	4466	4651	4843	5131	5285
20	3564	3672	3781	3893	4090	4280	4483	4678	4871	5167	5322
20Q	3699	3809	3922	4039	4243	4442	4652	4852	5054	5363	5524
20S	3760	3872	3985	4102	4305	4503	4714	4915	5116	5423	5587
21	3762	3876	3992	4110	4321	4530	4742	4958	5164	5486	5651
21Q	3904	4022	4140	4264	4485	4699	4920	5144	5359	5693	5864
21S	3967	4084	4202	4329	4546	4762	4984	5207	5420	5755	5928
22	3976	4096	4220	4346	4572	4795	5022	5254	5473	5813	5987
22Q	4126	4251	4378	4508	4743	4977	5210	5451	5679	6031	6213
22S	4189	4312	4441	4573	4804	5039	5270	5513	5744	6095	6277
23	4220	4346	4476	4609	4853	5102	5345	5591	5834	6200	6386
23Q	4378	4508	4643	4785	5037	5295	5544	5800	6053	6432	6625
23S	4441	4573	4707	4846	5099	5357	5607	5863	6115	6494	6690
24	4489	4624	4762	4905	5166	5437	5698	5961	6230	6620	6819
24Q	4657	4797	4942	5092	5362	5640	5912	6184	6464	6870	7077
24S	4721	4860	5004	5154	5422	5702	5974	6248	6527	6932	7139
25	4785	4929	5077	5229	5515	5806	6095	6385	6675	7104	7317
25Q	4964	5113	5266	5423	5722	6022	6324	6626	6926	7370	7591

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

25S	5029	5175	5331	5487	5785	6084	6386	6687	6987	7433	7656
26	5057	5209	5366	5581	5885	6197	6512	6815	7121	7582	7809
27	5346	5506	5672	5956	6280	6612	6948	7272	7598	8090	8332

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## S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
09	2315	2372	2430	2490	2568	2650	2732	2819	2903	3040	3130
09Q	2408	2466	2527	2591	2671	2758	2843	2935	3023	3167	3263
09S	2463	2523	2583	2646	2727	2814	2901	2994	3082	3228	3324
10	2389	2448	2509	2571	2665	2744	2835	2924	3015	3168	3264
10Q	2484	2545	2608	2675	2771	2856	2952	3046	3141	3308	3405
10S	2539	2601	2664	2730	2827	2914	3010	3103	3203	3370	3471
11	2475	2536	2601	2666	2756	2846	2948	3046	3140	3306	3406
11Q	2574	2638	2704	2772	2871	2965	3071	3174	3275	3451	3554
11S	2631	2694	2760	2828	2929	3022	3129	3234	3338	3513	3619
12	2572	2636	2702	2772	2874	2969	3080	3181	3298	3475	3579
12Q	2676	2742	2812	2886	2993	3092	3212	3320	3442	3629	3738
12S	2732	2798	2869	2943	3051	3152	3273	3383	3506	3694	3805
12H	15.83	16.22	16.63	17.06	17.69	18.27	18.95	19.58	20.30	21.38	22.02
12HQ	16.47	16.87	17.30	17.76	18.42	19.03	19.77	20.43	21.18	22.33	23.00
12HS	16.81	17.22	17.66	18.11	18.78	19.40	20.14	20.82	21.58	22.73	23.42
13	2666	2733	2803	2877	2983	3096	3213	3330	3454	3646	3756
13Q	2772	2845	2918	2996	3107	3229	3354	3477	3605	3811	3925
13S	2828	2902	2977	3054	3166	3290	3418	3540	3671	3876	3992
14	2774	2846	2923	3000	3115	3236	3377	3501	3634	3845	3960
14Q	2888	2965	3045	3126	3248	3379	3526	3658	3798	4019	4140
14S	2945	3022	3102	3186	3312	3441	3590	3722	3863	4083	4205

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

14H	17.07	17.51	17.99	18.46	19.17	19.91	20.78	21.54	22.36	23.66	24.37
14HQ	17.77	18.25	18.74	19.24	19.99	20.79	21.70	22.51	23.37	24.73	25.48
14HS	18.12	18.60	19.09	19.61	20.38	21.18	22.09	22.90	23.77	25.13	25.88
15	2881	2957	3037	3119	3256	3391	3524	3668	3804	4032	4154
15Q	3001	3081	3165	3253	3398	3540	3682	3835	3976	4214	4340
15S	3059	3138	3226	3316	3461	3601	3748	3899	4039	4279	4406
16	3009	3090	3174	3265	3412	3562	3711	3866	4020	4257	4385
16Q	3134	3221	3314	3409	3562	3723	3879	4038	4201	4450	4584
16S	3196	3284	3376	3473	3627	3789	3946	4104	4267	4513	4650
17	3143	3231	3324	3421	3579	3744	3903	4060	4225	4477	4611
17Q	3279	3373	3471	3570	3741	3913	4077	4243	4416	4679	4820
17S	3340	3436	3534	3635	3807	3980	4144	4309	4480	4746	4888
18	3303	3398	3496	3600	3774	3950	4129	4298	4470	4737	4880
18Q	3448	3547	3652	3762	3948	4128	4317	4494	4672	4951	5099
18S	3510	3609	3718	3825	4011	4194	4381	4558	4739	5015	5166
19	3476	3577	3683	3795	3988	4177	4371	4554	4744	5032	5183
19Q	3630	3738	3850	3965	4168	4362	4569	4759	4959	5258	5416
19S	3695	3805	3917	4031	4234	4429	4633	4825	5025	5323	5483
20	3671	3782	3894	4010	4213	4408	4617	4818	5017	5322	5482
20Q	3838	3952	4069	4190	4402	4609	4826	5034	5244	5564	5731
20S	3901	4017	4134	4256	4466	4672	4891	5099	5308	5626	5797
21	3875	3992	4112	4233	4451	4666	4884	5107	5319	5651	5821
21Q	4050	4173	4295	4424	4653	4875	5105	5337	5560	5906	6084
21S	4116	4237	4360	4491	4716	4941	5171	5402	5623	5971	6150
22	4095	4219	4347	4476	4709	4939	5173	5412	5637	5987	6167
22Q	4281	4410	4542	4677	4921	5164	5405	5655	5892	6257	6446
22S	4346	4474	4608	4744	4984	5228	5468	5720	5959	6324	6512
23	4347	4476	4610	4747	4999	5255	5505	5759	6009	6386	6578
23Q	4542	4677	4817	4964	5226	5494	5752	6018	6280	6673	6873

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

23S	4608	4744	4884	5028	5290	5558	5817	6083	6344	6738	6941
24	4624	4763	4905	5052	5321	5600	5869	6140	6417	6819	7024
24Q	4832	4977	5127	5283	5563	5852	6134	6416	6706	7128	7342
24S	4898	5042	5192	5347	5625	5916	6198	6482	6772	7192	7407
25	4929	5077	5229	5386	5680	5980	6278	6577	6875	7317	7537
25Q	5150	5305	5463	5626	5937	6248	6561	6874	7186	7646	7876
25S	5218	5369	5531	5693	6002	6312	6625	6938	7249	7712	7943
26	5209	5365	5527	5748	6062	6383	6707	7019	7335	7809	8043
27	5506	5671	5842	6135	6468	6810	7156	7490	7826	8333	8582

(Source: Amended at 29 Ill. Reg. 13540, effective August 22, 2005)

## PROPERTY TAX APPEAL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1910.11	New Section
1920.70	Amended
1910.72	New Section
1910.73	Amended
1910.80	Amended
- 4) Statutory Authority: 35 ILCS 200/7-5 and 16-18
- 5) Effective Date of Amendments: August 19, 2005.
- 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) Date Notice of Proposed Amendments was Published in the Illinois Register: May 6, 2005; 29 Ill. Reg. 6208
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: There were minor changes made between the proposal and the final version of the rules. Several nonsubstantive changes, such as adding the words "formal" and "informal" to the text of the rules, were made to distinguish existing settlement conference procedures from new procedures added by this rulemaking. For this purpose, two additional sections of text were modified, also.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

## PROPERTY TAX APPEAL BOARD

## NOTICE OF ADOPTED AMENDMENTS

<u>Section Number</u>	<u>Proposed Action</u>	<u>Ill.Reg. Citation</u>
1910.30	Amendment	29 Ill.Reg. 12218
1910.50	Amendment	29 Ill. Reg. 12218
1910.64	New Section	29 Ill. Reg. 12218
1910.68	Amendment	29 Ill. Reg. 12218
1910.77	New Section	29 Ill. Reg. 12218
1910.78	New Section	29 Ill. Reg. 12218

- 15) Summary and Purpose of Amendments: This rulemaking will provide for parliamentary procedure at Property Tax Appeal Board meetings, comply with existing Illinois law in the area of representation, facilitate settlement of appeals, and list the Board's web site.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- James W. Chipman - Executive Director  
Property Tax Appeal Board  
Rm. 402, Stratton Office Building  
401 S. Spring St.  
Springfield, Illinois 62706
- (217) 782-6076
- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

## PROPERTY TAX APPEAL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER II: PROPERTY TAX APPEAL BOARDPART 1910  
PRACTICE AND PROCEDURE FOR APPEALS  
BEFORE THE PROPERTY TAX APPEAL BOARD

Section	
1910.5	Construction and Definitions
1910.10	Statement of Policy
<u>1910.11</u>	<u>Rules of Order</u>
1910.20	Correspondence
1910.25	Computing Time Limits
1910.30	Petitions – Application
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.60	Interested Parties – Intervention
1910.63	Burdens of Proof
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
<u>1910.72</u>	<u>Informal Settlement Conference</u>
1910.73	Pre-hearing Conference – <u>Formal</u> Settlement Conference
1910.74	Administrative Review
1910.75	Access to Board Records – Freedom of Information Procedures
1910.76	Publication of Annual Synopsis
1910.80	Forms
1910.90	Practice Rules
1910.95	Separability

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at

## PROPERTY TAX APPEAL BOARD

## NOTICE OF ADOPTED AMENDMENTS

21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005.

**Section 1910.11 Rules of Order**

The latest edition of Robert's Rules of Order shall govern the meetings of the Property Tax Appeal Board, except in such instances where they are inconsistent with the Property Tax Code, the Open Meetings Act, or this Part.

(Source: Added at 29 Ill. Reg. 13574, effective August 19, 2005)

**Section 1910.70 Representation at Hearings**

- a) A party shall have the right to represent himself and to be present at and participate in any hearing before the Property Tax Appeal Board. The right to participate shall include the rights to call, examine and cross-examine witnesses and to discuss any evidence properly submitted pursuant to this Part. A party may be represented at the hearing by any person who is admitted to practice as an attorney in this State. Accountants, tax representatives, tax advisers, real estate appraisers, real estate consultants and others not qualified to practice law in this State may not appear at hearings before the Board in a representative capacity, and may not conduct questioning, cross-examination or other investigation at the hearing. However, such persons may testify at hearings before the Board and may assist parties and attorneys in preparation of cases for presentation by such parties and attorneys for the Board at hearings.
- b) As provided in subsection (a), only attorneys licensed to practice law in the State of Illinois shall be allowed to represent a party at a Property Tax Appeal Board hearing. Any party, including a corporation, may be represented at a Property Tax Appeal Board proceeding by any authorized officer, employee or attorney.
- c) Corporations, limited liability companies (LLC), partnerships and other similar entities, and taxing districts shall be represented at a Property Tax Appeal Board hearing by any person licensed to practice law in the State of Illinois.
- d) The board of review may be represented at a hearing by the county state's attorney's office, any attorney licensed to practice law in the State of Illinois properly authorized as a special assistant state's attorney, or by board of review members or commissioners or their duly authorized designees.

## PROPERTY TAX APPEAL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- e) An attorney, pro se taxpayer representing himself, or board of review designee may enter an appearance either by signing the petition or other document initiating the participation of a party in a proceeding or by filing an appearance in the proceeding. By signing a petition or filing an appearance, the attorney, pro se taxpayer, or board of review designee certifies that he or she has the authority to appear and act on behalf of a party in the proceeding.

(Source: Amended at 29 Ill. Reg. 13574, effective August 19, 2005)

**Section 1910.72 Informal Settlement Conference**

The parties to any appeal are permitted to engage in settlement discussions and negotiations outside of the presence of the Property Tax Appeal Board and its hearing officers provided that the Board is advised in writing by such parties of the disposition of the appeal by settlement memoranda, signed agreement, stipulation, withdrawal, or otherwise, subject to any further review and/or approval by the Board at any time during the pendency of the appeal as may be required under this Part.

(Source: Added at 29 Ill. Reg. \_\_\_\_, effective August 19, 2005)

**Section 1910.73 Pre-hearing Conference – Formal Settlement Conference**

- a) The Board may on its own motion or on the motion of any party to the appeal set a pre-hearing conference. The Board's decision whether to conduct a pre-hearing conference will be based on the complexity of the appeal, the issues in controversy and the potential for settlement.
- b) The purpose of the pre-hearing conference shall be to:
- 1) ascertain the positions of the parties;
  - 2) promote the narrowing of issues;
  - 3) allow for the admissions of fact and/or stipulate to the admissibility of evidence;
  - 4) exchange witness lists;
  - 5) aid in the simplification of the evidence and disposition of the

## PROPERTY TAX APPEAL BOARD

## NOTICE OF ADOPTED AMENDMENTS

proceedings; or

- 6) reach a compromise settlement agreeable to the parties.
- c) In all cases where the contesting party is seeking a change in assessed valuation of \$100,000 or more, the Board may require or any party may request a court reporter be present to record and transcribe the conference. When the Board on its own motion sets a pre-hearing conference and requires the presence of a court reporter, the contesting party shall provide for the court reporter at his own expense. However, if any party requests a court reporter be present such expense shall be borne by the party requesting transcription. If a court reporter is not required at the pre-hearing conference, an electronic recording device will be used by the Board to record the proceeding.
- d) The Board shall issue a pre-hearing conference order setting forth the matters agreed to and rulings as to disputed matters. The order shall be served concurrently upon all parties and shall control the subsequent course of the proceeding.
- e) At any stage of the appeal, the Board or any of its designated Hearing Officers may order a formal~~an informal~~ settlement conference and require the participation of the parties. The Board's determination will be based on the complexity of the appeal and the amount in controversy. Within 15 days after the formal~~informal~~ settlement conference, the parties shall inform the Board in writing whether a settlement regarding the correct assessment of the subject property was reached. No court reporter nor any electronic recording device is required at the formal settlement conference.

(Source: Amended at 29 Ill. Reg. 13574, effective August 19, 2005)

**Section 1910.80 Forms**

All forms issued pursuant to this Part will be available at the offices of the Property Tax Appeal Board, the Board's Internet site at [www.state.il.us/agency/ptab](http://www.state.il.us/agency/ptab), and at the county boards of review and supervisor of assessments or county assessor's offices. Only the prescribed forms of the Property Tax Appeal Board may be used.

(Source: Amended at 29 Ill. Reg. 13574, effective August 19, 2005)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.140                      Adopted Action:  
New Section
- 4) Statutory Authority: Implementing changes to Section 6-110.1 of the Illinois Vehicle Code [625 ILCS 5/6-110.1] and authorized by Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)]
- 5) Effective Date of Amendment: August 16, 2005
- 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 agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: March 11, 2005; 29 Ill. Reg. 3865
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: In Section 1030.140(a), definitions were added to define the terms "Disseminating Agency", "LEADS", and "Secondary Distribution".  
  
In Section 1030.140 (c)(1)(B), examples were added of other information that may be required.  
  
In Section 1030.140 (c)(2)(C), the text of the disclaimer was added.  
  
In Section 1030.140 (c)(3), examples of other images that may be used in a photo line-up were added.  
  
All nonsubstantive technical changes recommended by JCAR were made, also.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The amendments to Section 1030.140 are intended to clarify and explain the guidelines regarding the storage of images captured by the Office of the Secretary of State and their use by the Office and criminal justice agencies.
- 16) Information and questions regarding this adopted amendment shall be directed to:
- Secretary of State  
Robert Mueller, Assistant General Counsel  
298 Howlett Building  
Springfield, IL 62701
- 217-785-3094
- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code[30 ILCS 50/5-25]? No

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

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Driver's License Medical Advisory Board
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses (Repealed)

## SECRETARY OF STATE

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- 1030.96 Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993;

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amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005.

**Section 1030.140 Use of Captured Images**

- a) Definitions. As used in this Section, the following definitions shall apply:

"Criminal Justice Agencies" means the federal and state courts, a governmental agency or a sub-unit thereof that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

"Disseminating Agency" means an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

"Image" means the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

"LEADS" means the Illinois Law Enforcement Agencies Data System.

"Secondary Dissemination" means distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

- b) The Secretary of State shall maintain a file of all images captured in the process of issuing a driver's license or identification card.
- 1) No other entity shall maintain a file of all or any subset of images, or store them as part of a database or separately established collection, unless explicitly authorized by law or this Section.
  - 2) Images may be retained in hard copy or electronic format only as part of a case record by a criminal justice agency, as required to complete an investigation, to provide evidence or other documentation for the investigation, or as required for any subsequent law enforcement action. The images must remain confidential, be available only to criminal justice agencies, and be disposed of in accordance with established record retention policies pertaining to criminal justice records.
  - 3) Images retrieved for the sole purpose of secondary dissemination shall not be stored by the disseminating agency except for the purposes of transmission.
  - 4) Illinois State Police may store images retrieved for the purpose of verification and issuance of Firearm Owner Identification Cards and for use on their Sex Offender Registry.
  - 5) Upon the request of the individual, the Secretary of State may maintain a captured image as part of its Lobbyist Registration database, which is available for access by the general public.

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## NOTICE OF ADOPTED AMENDMENT

- c) The images shall not be publicly displayed or accessed by or distributed to persons other than those authorized by this Section, unless otherwise explicitly allowed by law.
- 1) The images shall be confidential and shall not be disclosed, except to the following persons and for the following reasons:
- A) The individual upon written request;
- B) A family member or estate executor of a deceased individual upon written request, submission of a copy of the death certificate or other proof of death, and other information, including but not limited to the deceased individual's driver's license number, State issued ID number, social security number, date of birth, date of death or last address, at the discretion of the Department of Driver Services;
- C) Police officers and employees of the Secretary of State who have a need to have access to the stored images to:
- i) issue or control driver's licenses and identification cards;
- ii) conduct an investigation into fraudulent activities;
- iii) conduct hearings regarding the cancellation, suspension or revocation of a driver's license or identification card; or
- iv) register individuals under the Lobbyist Registration Act;
- D) Illinois and federal criminal justice agencies for lawful civil or criminal law enforcement investigations;
- E) Criminal justice agencies from other states or jurisdictions for the purpose of lawful civil or criminal law enforcement investigations; or
- F) For use and display by the Illinois State Police in their Sex Offender Registry maintained by law and for display in the Secretary of State Lobbyist Registry.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 2) Broad secondary dissemination to the public or to persons other than those authorized by this Section can occur if the law enforcement entity responsible for the investigation for which the image was requested deems further dissemination of the image to be necessary for locating a suspect or crime victim or for protecting public or officer safety in the course of a criminal investigation, and if:
  - A) No other suitable image is available;
  - B) Additional methods of verification of the person's identity and image have been completed;
  - C) The following disclaimer language is included: Only for use as authorized by 625 ILCS 5/6-110.1 and 92 Ill. Adm. Code 1030.140. This information and image cannot be certified to be anything other than the information and image of the individual who presented himself or herself to the Secretary of State's Office with the required forms of identification; and
  - D) It is approved in advance in writing by the Secretary of State Department of Police.
- 3) Only images of a suspect in the investigation for which the image was requested shall be used in any line-up or photo array. Other images (e.g., photo linked to a fingerprint or family or school photo) can only be used in a photo line-up or array if the individual has provided express written consent in advance.
- d) Recipients of images from the Secretary of State may not disseminate images further, except criminal justice agencies may disseminate images to other eligible criminal justice agencies for the purposes of the investigation for which the image was originally requested.
  - 1) The Secretary of State shall establish procedures for electronic and hard copy dissemination of images that ensure secure transmission and adherence with all established law and rules regarding images.
  - 2) Any agency that secondarily disseminates an image must have the ability to identify other eligible entities and provide records of dissemination, and

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

must have the ability to ensure that the secondary recipient/requestor meets the definition of criminal justice agency. Secondary dissemination will require verification of the recipient's LEADS certification or similar level of verification if LEADS certification is not applicable, and may require other levels of verification defined by the Secretary of State that are necessary to ensure secure and legal distribution and use of images.

- 3) Methods of requesting and disseminating the images must include a provision that the request for and subsequent receipt of the images serves as an agreement to keep the images confidential and to adhere to all established law and rule regarding the images, and must include any disclaimers required by the Secretary of State.

(Source: Added at 29 Ill. Reg. 13580, effective August 16, 2005)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PUBLICATION ERROR

## DEPARTMENT OF HUMAN SERVICES

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs
- 2) Code Citation: 89 Ill. Adm. Code 553
- 3) Register citation of proposed rulemaking and other pertinent action: This rulemaking was proposed in the 2/14/05 edition of the *Illinois Register* at 29 Ill. Reg. 2142. A Notice of Correction to Proposed Amendments was published in the 3/18/05 edition of the *Illinois Register* at 29 Ill. Reg. 4423, and the rulemaking was subsequently adopted in the 8/19/05 *Illinois Register* at 29 Ill. Reg. 12845.
- 4) Explanation: Section 553.140 lists criteria for determining the priority under which vocational rehabilitation (VR) customers are considered for VR services. Originally, these rules listed only 2 categories of VR customers, but DHS expanded the criteria in the proposed amendments to include 3 categories. The last category of qualifiers should have reflected that a VR customer in this category has a disability that seriously limits one of his or her functional capacities, not two. Through an oversight, JCAR did not incorporate the amendatory change that DHS made in the Notice of Correction into the adopted rulemaking text published on 8/19/05. Subsection (d) in its corrected form reads as follows:
  - d) To be considered an individual with a significant disability, the individual must have a disability that seriously limits ~~one~~<sup>two</sup> or more of his or her functional capacities as listed in Section 553.150 of this Part, and require one or more substantial VR services, in addition to the routine services of counseling and guidance, and information and referral to ensure the individual a successful employment outcome.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code

Code Citation: 77 Ill. Adm. Code 300

<u>Section Numbers:</u>	300.330	300.615	300.620	
		300.625	300.627	300.630
		300.3300		

Date Originally Published in the Illinois Register: 7/29/05  
29 Ill. Reg. 11824

At its meeting on August 16, 2005, the Joint Committee on Administrative Rules considered the above cited emergency rulemaking and recommended that the Department of Public Health modify its emergency rulemakings titled Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300; 29 Ill. Reg. 11824), Sheltered Care Facilities Code (77 Ill. Adm. Code 330; 29 Ill. Reg. 11879), Illinois Veterans' Homes Code (77 Ill. Adm. Code 340; 29 Ill. Reg. 11931), Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350; 29 Ill. Reg. 11971), and Long Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390; 29 Ill. Reg. 12025) to ameliorate any unduly burdensome economic impact on the affected public.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Sheltered Care Facilities Code

Code Citation: 77 Ill. Adm. Code 330

Section Numbers: 330.330      330.715      330.720  
330.725      330.727      330.730  
330.4300

Date Originally Published in the Illinois Register: 7/29/05  
29 Ill. Reg. 11879

At its meeting on August 16, 2005, the Joint Committee on Administrative Rules considered the above cited emergency rulemaking and recommended that the Department of Public Health modify its emergency rulemakings titled Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300; 29 Ill. Reg. 11824), Sheltered Care Facilities Code (77 Ill. Adm. Code 330; 29 Ill. Reg. 11879), Illinois Veterans' Homes Code (77 Ill. Adm. Code 340; 29 Ill. Reg. 11931), Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350; 29 Ill. Reg. 11971), and Long Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390; 29 Ill. Reg. 12025) to ameliorate any unduly burdensome economic impact on the affected public.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION  
TO EMERGENCY RULEMAKING

## DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Illinois Veterans' Homes Code

Code Citation: 77 Ill. Adm. Code 340

Section Numbers: 340.1000      340.1305      340.1310  
340.1315      340.1317      340.1420  
340.1470

Date Originally Published in the Illinois Register: 7/29/05  
29 Ill. Reg. 11931

At its meeting on August 16, 2005, the Joint Committee on Administrative Rules considered the above cited emergency rulemaking and recommended that the Department of Public Health modify its emergency rulemakings titled Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300; 29 Ill. Reg. 11824), Sheltered Care Facilities Code (77 Ill. Adm. Code 330; 29 Ill. Reg. 11879), Illinois Veterans' Homes Code (77 Ill. Adm. Code 340; 29 Ill. Reg. 11931), Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350; 29 Ill. Reg. 11971), and Long Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390; 29 Ill. Reg. 12025) to ameliorate any unduly burdensome economic impact on the affected public.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION  
TO EMERGENCY RULEMAKING

## DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code

Code Citation: 77 Ill. Adm. Code 350

Section Numbers: 350.330      350.625      350.630  
350.635      350.637      350.640  
350.3300

Date Originally Published in the Illinois Register: 7/29/05  
29 Ill. Reg. 11971

At its meeting on August 16, 2005, the Joint Committee on Administrative Rules considered the above cited emergency rulemakings and recommended that the Department of Public Health modify its emergency rulemakings titled Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300; 29 Ill. Reg. 11824), Sheltered Care Facilities Code (77 Ill. Adm. Code 330; 29 Ill. Reg. 11879), Illinois Veterans' Homes Code (77 Ill. Adm. Code 340; 29 Ill. Reg. 11931), Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350; 29 Ill. Reg. 11971), and Long Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390; 29 Ill. Reg. 12025) to ameliorate any unduly burdensome economic impact on the affected public.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION  
TO EMERGENCY RULEMAKING

## DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Long-Term Care for Under Age 22 Facilities Code

Code Citation: 77 Ill. Adm. Code 390

Section Numbers: 390.330      390.625      390.630  
390.635      390.637      390.640  
390.3300

Date Originally Published in the Illinois Register: 7/29/05  
29 Ill. Reg. 12025

At its meeting on August 16, 2005, the Joint Committee on Administrative Rules considered the above cited emergency rulemaking and recommended that the Department of Public Health modify its emergency rulemakings titled Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300; 29 Ill. Reg. 11824), Sheltered Care Facilities Code (77 Ill. Adm. Code 330; 29 Ill. Reg. 11879), Illinois Veterans' Homes Code (77 Ill. Adm. Code 340; 29 Ill. Reg. 11931), Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350; 29 Ill. Reg. 11971), and Long Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390; 29 Ill. Reg. 12025) to ameliorate any unduly burdensome economic impact on the affected public.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

STATE BOARD OF EDUCATION

Heading of the Part: Reading Improvement Program

Code Citation: 23 Ill. Adm. Code 260

Section Numbers: 260.55

Date Originally Published in the Illinois Register: 7/1/05  
29 Ill. Reg. 9508

At its meeting on August 16, 2005, the Joint Committee on Administrative Rules objected to the State Board of Education's use of emergency rulemaking to adopt its rulemaking titled Reading Improvement Program (23 Ill. Adm. Code 260; 29 Ill. Reg. 9508). Any emergency situation that exists is agency created. SBE would not have had to use emergency rulemaking procedures if amendments to the Part had been proposed in a more timely manner.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO  
PEREMPTORY RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Food Stamps

Code Citation: 89 Ill Adm Code 121

Section Numbers: 121.31

Date Originally Published in the Illinois Register: 7/29/05  
29 Ill. Reg. 12132

At its meeting on August 16, 2005, the Joint Committee on Administrative Rules objected to the Department of Human Services using preemptory procedures to adopt its rulemaking titled Food Stamps (89 Ill. Adm. Code 121; 29 Ill. Reg. 12132) 7 months after a change in federal law required this rule change. Section 5-50 of the Illinois Administrative Procedure Act requires that preemptory rulemaking occur within 30 days after adoption of the underlying federal law.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 16, 2005 through August 22, 2005 and have been scheduled for review by the Committee at its September 13, 2005 meeting in Chicago. 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>
9/30/05	<u>State Employees' Retirement System</u> , The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)	7/1/05 29 Ill. Reg. 9311	9/13/05
10/1/05	<u>State Board of Education</u> , Driver Education (23 Ill. Adm. Code 252)	5/6/05 29 Ill. Reg. 5181	9/13/05
10/2/05	<u>Department of Financial and Professional Regulation – Division of Professional Regulation</u> , Real Estate Appraiser Licensing (68 Ill. Adm. Code 1455)	6/3/05 29 Ill. Reg. 8067	9/13/05
10/2/05	<u>Department of Healthcare and Family Services</u> , Medical Assistance Programs (89 Ill. Adm. Code 120)	4/29/05 29 Ill. Reg. 5881	9/13/05
10/2/05	<u>Department of Healthcare and Family Services</u> , Medical Assistance Programs (89 Ill. Adm. Code 120)	5/6/05 29 Ill. Reg. 6213	9/13/05
10/2/05	<u>Department of Healthcare and Family Services</u> , Child Support Enforcement (89 Ill. Adm. Code 160)	4/29/05 29 Ill. Reg. 5898	9/13/05
10/2/05	<u>Department of Healthcare and Family Services</u> ,	3/25/05	9/13/05

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

Child Support Enforcement (89 Ill. Adm. Code  
160)

29 Ill. Reg.  
4459

## EXECUTIVE ORDERS

**2005-7**EXECUTIVE ORDER ESTABLISHING A STATE MILITARY DECORATION  
HONORING THOSE WHO SERVE IN THE GLOBAL WAR ON TERRORISM

WHEREAS, President Abraham Lincoln personally embodied the militia spirit and served as a member of the Illinois Militia during the Blackhawk War;

WHEREAS, members of the Illinois Army and Air National Guard are performing meritorious service for the Nation in support of the Global War on Terrorism;

WHEREAS, this service reflects great credit upon the Illinois Army and Air National Guard and the State of Illinois; and

WHEREAS, it is appropriate for the State of Illinois to recognize the service and sacrifices of Illinois Army and Air National Guard members in support of the Global War on Terrorism;

WHEREAS, it is within my authority as Commander-in-Chief of the Illinois National Guard to establish military honors;

THEREFORE, I hereby order the Adjutant General of the State of Illinois through the Illinois Department of Military Affairs to establish the ABRAHAM LINCOLN MEDAL OF FREEDOM to recognize the service of members of the Illinois Army and Air National Guard who are mobilized in support of the Global War on Terrorism.

**I. Military Department**

The Illinois Department of Military Affairs will establish the criteria and process by which award of the ABRAHAM LINCOLN MEDAL OF FREEDOM is made to members of the Illinois Army and Air National Guard as determined by appropriate regulation issued by The Adjutant General as Director of the Department of Military Affairs.

**II. Scope**

This Order applies to all members of the Illinois National Guard under the jurisdiction of the Governor.

**III. Severability**

EXECUTIVE ORDERS

If any provision of this Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

This Executive Order Number Seven shall take effect upon filing with the Secretary of State.

Issued by the Governor: August 17, 2005

Filed with the Secretary of State: August 17, 2005

## PROCLAMATIONS

**2005-266****CHILDHOOD CANCER AWARENESS MONTH**

WHEREAS, approximately 12,500 children and adolescents are diagnosed with cancer every year in the United States and Illinois. That is the equivalent of two average size classrooms diagnosed each school day; and

WHEREAS, leukemias, tumors of the brain and nervous system, the lymphatic system, and kidneys, bones and muscles, are the most common childhood cancers; and

WHEREAS, collectively, the cancers of children, adolescents, and young adults to age 20 are the sixth most common cancers in the United States; and

WHEREAS, sadly, cancer claims the lives of more children than any other disease, including asthma, diabetes, cystic fibrosis, and AIDS combined; but

WHEREAS, less than 10 percent of children diagnosed with cancer were cured in the 1950s; fortunately, nearly 80 percent of childhood cancer patients become long-term survivors today if they are referred to established childhood cancer treatment and research centers; and

WHEREAS, the member hospitals of the Children's Oncology Group have been responsible for much of the research that has achieved spectacular advances in the survival and cure rates for childhood cancers during the past several decades; and

WHEREAS, the shared vision of the CureSearch National Childhood Foundation and the Children's Oncology Group is to reach the day when every child with cancer can be guaranteed a cure:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as CHILDHOOD CANCER AWARENESS MONTH in Illinois to raise awareness about childhood cancer, and to encourage citizens of the State to support the worthy efforts of the CureSearch National Childhood Foundation and the Children's Oncology Group.

Issued by the Governor August 16, 2005.

Filed by the Secretary of State August 16, 2005.

**2005-267****NATIONAL PAYROLL WEEK**

WHEREAS, more than 140 million Americans, including approximately 12.5 million Illinoisans, contribute millions of dollars to federal and state treasuries through payroll taxes each year; and

WHEREAS, payroll taxes help subsidize vital civic programs and projects, such as education, Medicare, parks, roads, and Social Security; and

WHEREAS, by paying and reporting worker wages and collecting and paying employment taxes, which account for 66 percent of United States Treasury revenue from workers, payroll professionals perform an essential role in supporting the country; and

WHEREAS, the American Payroll Association, and its Diamond Sponsor, Automatic Data Processing, conducts a nationwide public awareness campaign that explains the payroll

## PROCLAMATIONS

withholding system, promotes the benefits of payroll, and pays tribute to American workers and payroll professionals; and

WHEREAS, September 5 is Labor Day, a national holiday in honor of the contributions hardworking Americans have made and continue to make to the strength, prosperity, and well-being of our country; and

WHEREAS, during the week of September 5, the Chicago Chapter of the American Payroll Association will sponsor a tax forum, presentations at local high schools, and other activities focused on payroll education:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 5-9, 2005 as NATIONAL PAYROLL WEEK in Illinois in recognition of all the hardworking Americans in this state, and in support of the worthy efforts of the American Payroll Association and their Chicago Chapter.

Issued by the Governor August 16, 2005.

Filed by the Secretary of State August 16, 2005.

**2005-268****ACTS OF KINDNESS DAY**

WHEREAS, December 7, 1941, November 22, 1963, and now September 11, 2001, are a few days that all Americans remember and know just where they were and what they were doing; and

WHEREAS, on that horrific September day in 2001, terrorists not only attacked the World Trade Center and the Pentagon, they also attacked fundamental principles that all Americans and Illinoisans cherish and value, including democracy, equality, freedom, and justice; and

WHEREAS, the terrorists failed to break the indomitable American spirit; instead, their heinous and criminal acts strengthened American commitment to those fundamental principles, which are essential to securing peace and prosperity for all; and

WHEREAS, the brave and courageous firemen and good Samaritans, who risked and sacrificed their lives to rescue and save defenseless victims on September 11, 2001, did far more to advance the righteous cause of peace and prosperity than the terrorists:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 11, 2005 as ACTS OF KINDNESS DAY in Illinois in remembrance of those lost on September 11, 2001, and to promote peace and prosperity by encouraging acts of kindness in our communities, as the firemen and good Samaritans best exemplified on that unforgettable day in September 2001.

Issued by the Governor August 16, 2005.

Filed by the Secretary of State August 16, 2005.

**2005-269****CONSTITUTION WEEK**

## PROCLAMATIONS

WHEREAS, the Second Continental Congress declared independence of the United States from Great Britain in 1776, and asserted their inalienable rights, including life, liberty, and the pursuit of happiness; and

WHEREAS, in 1787, a convention of delegates from 12 of the original 13 states met in Philadelphia and framed the United States Constitution, which was ratified in 1788 and replaced the Articles of Confederation the following year as the supreme law of the land; and

WHEREAS, two years later, 10 amendments, commonly referred to as the Bill of Rights, were adopted to establish and protect certain individual rights, such as freedom of speech and exercise of religion; and

WHEREAS, since that time, more than 10,000 amendments to the Constitution have been proposed, yet only 27 have been adopted; and today, the Constitution is the oldest living government covenant in the world; and

WHEREAS, in accord with Public Law 915, the President of the United States issues a proclamation designating September 17-23 as Constitution Week every year; and

WHEREAS, this year, we celebrate the 218th birthday of the Constitution of the United States, under which Illinois became the 21st state in 1818:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 17-23, 2005 as CONSTITUTION WEEK in Illinois in tribute to the enduring greatness of the United States Constitution.

Issued by the Governor August 16, 2005.

Filed by the Secretary of State August 16, 2005.

**2005-270****YELLOW RIBBON SUICIDE AWARENESS AND PREVENTION WEEK**

WHEREAS, suicide is a devastating problem among American youths, families, and communities today; and

WHEREAS, more than 30,000 Americans commit suicide every year, and suicide is now the fastest growing killer of youth. Among youth between the ages of 15 and 24 in the United States, suicide is the third leading cause of death; and

WHEREAS, research shows that almost all youth suicides are preventable, and there are a number of resources available to help those contemplating suicide; and

WHEREAS, for these reasons, one of the main goals of the Yellow Ribbon Suicide Prevention Program is to combat the stigma that prevents people from seeking the help they need; and

WHEREAS, the Yellow Ribbon Suicide Prevention Program has been working for years with the endorsement of many counties, mental health organizations, education departments, and Safe and Drug Free School Programs; and many schools, churches, and youth groups are using the program to help save lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 18-24, 2005 as YELLOW RIBBON SUICIDE AWARENESS AND

## PROCLAMATIONS

PREVENTION WEEK in Illinois to raise awareness about suicide, and to encourage citizens of the State to support the worthy efforts of the Yellow Ribbon Suicide Prevention Program.

Issued by the Governor August 17, 2005.

Filed by the Secretary of State August 17, 2005.

**2005-271****UKRAINIAN INDEPENDENCE DAY**

WHEREAS, on August 24, 1991, the Parliament of Ukraine formally declared its independence from the Soviet Union; and

WHEREAS, in the aftermath, the economy and quality of life in Ukraine suffered; and although they were independent, Ukrainians were not free. During his two-five year terms, President Leonid Kuchma created an authoritarian administrative machine; and

WHEREAS, in response, the Ukrainian people showed their unity and desire to live in a democratic society by organizing a non-violent uprising throughout Ukraine, known as the Orange Revolution, that resulted in the free and fair election of Viktor Yushchenko as Ukraine's new president last December; and

WHEREAS, today, Ukraine is gradually progressing toward its goal of joining the World Trade Organization, a valuable short-term goal for Ukraine's pro-Western government that will help position Ukraine into the global market economy and spur much needed foreign investment and the improvement of living standards for its 48 million citizens; and

WHEREAS, Americans have a vital interest in the success of democracy and freedom in Ukraine, and Ukrainians around the world, including those in the United States and the State of Illinois, anxiously await their progress:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 24, 2005 as UKRAINIAN INDEPENDENCE DAY in Illinois in celebration of Ukrainian Independence, and in support of their worthy efforts to establish a stable and prospering republic.

Issued by the Governor August 17, 2005.

Filed by the Secretary of State August 17, 2005.

**2005-272****NATIONAL SURGICAL TECHNOLOGIST WEEK**

WHEREAS, surgical technologists in Illinois play a vital role in the care and health of surgical patients; and

WHEREAS, surgical technologists, also called scrubs and surgical or operating room technicians, are members of operating room teams, which most commonly include surgeons, anesthesiologists, and circulating nurses; and under the supervision of surgeons, registered nurses, or other surgical personnel, surgical technicians assist medical operations in a number of capacities; and

## PROCLAMATIONS

WHEREAS, today, all major hospitals in Illinois employ surgical technologists to work with surgeons in the operating room to provide quality patient care; and

WHEREAS, as the baby boomer generation, which accounts for a large percentage of the general population, approaches retirement age, and technological advances, such as fiber optics and laser technology, permit new surgical procedures that surgical technologists often operate, employment of surgical technicians is expected to grow faster than the average for all occupations; and

WHEREAS, encouragingly, the Illinois community college system currently has 16 programs that graduate top quality students each year; and

WHEREAS, the Association of Surgical Technologists annually designates a week in September as National Surgical Technologist Week to celebrate and promote the profession:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 18-24, 2005 as NATIONAL SURGICAL TECHNOLOGIST WEEK in Illinois in honor of the outstanding service surgical technologists perform for surgical patients, and in support of the Association of Surgical Technologists' efforts to raise public awareness about the profession.

Issued by the Governor August 19, 2005.

Filed by the Secretary of State August 19, 2005.

**2005-273****ILLINOIS ASSOCIATION OF REHABILITATION FACILITIES DAY**

WHEREAS, the Illinois Association of Rehabilitation Facilities was incorporated on August 15, 1975 by nine original members who believed that community disability service organizations needed a greater voice in matters of public policy; and

WHEREAS, the mission of the Illinois Association of Rehabilitation Facilities is the improvement of services provided by community disability service organizations through timely and accurate dissemination of information and the development of progressive methods of effective service; and

WHEREAS, the Illinois Association of Rehabilitation Facilities advances their cause by advocating on behalf of more than 90 agencies that serve and support those living with disabilities in Illinois; and

WHEREAS, today, the Illinois Association of Rehabilitation Facilities is just as dedicated to its original mission and committed to providing the best network of services for those with disabilities and their families:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 15, 2005 as ILLINOIS ASSOCIATION OF REHABILITATION FACILITIES DAY in Illinois on the 30th anniversary of the Illinois Association of Rehabilitation Facilities and in support of their worthy efforts.

Issued by the Governor August 19, 2005.

Filed by the Secretary of State August 19, 2005.

# ILLINOIS ADMINISTRATIVE CODE

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### JOINT COMMITTEE ON ADMINISTRATIVE RULES

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