

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

PART 340
ILLINOIS VETERANS' HOMES CODE
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- 113 340.1675 Self-Administration of Medication

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115 **SUBPART F: RESIDENT LIVING SERVICES**

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123 **SUBPART G: RESIDENT RECORDS**

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- 129 340.1830 Retention, Transfer, and Inspection of Records

130 340.1840 Confidentiality of Resident's Records

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132 SUBPART H: FOOD SERVICE

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134 Section

135 340.1900 Food Service Staff

136 340.1910 Diet Orders

137 340.1920 Meal Planning

138 340.1930 Therapeutic Diets (Repealed)

139 340.1940 Menus and Food Records

140 340.1950 Food Preparation and Service

141 340.1960 Kitchen Equipment, Utensils and Supplies

142

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

145

146 Section

147 340.2000 Maintenance

148 340.2010 Water Supply, Sewage Disposal and Plumbing

149 340.2020 Housekeeping

150 340.2030 Laundry Services

151 340.2040 Furnishings

152 340.2050 Equipment and Supplies

153

154 340.TABLE A Heat Index Table/Apparent Temperature

155 340.TABLE B Guidelines for the Use of Various Drugs

156

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

158

159 SOURCE: Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a
160 maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg.
161 5679, effective April 3, 1995; emergency amendment at 20 Ill. Reg. 496, effective January 1,
162 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg.
163 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996;
164 amended at 22 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162,
165 effective April 15, 1998; amended at 23 Ill. Reg. 1038, effective January 15, 1999; amended at
166 23 Ill. Reg. 7931, effective July 15, 1999; amended at 24 Ill. Reg. 17225, effective November 1,
167 2000; amended at 25 Ill. Reg. 4869, effective April 1, 2001; amended at 26 Ill. Reg. 4870,
168 effective April 1, 2002; amended at 26 Ill. Reg. 10589, effective July 1, 2002; emergency
169 amendment at 27 Ill. Reg. 2222, effective February 1, 2003, for a maximum of 150 days;
170 emergency expired June 30, 2003; amended at 27 Ill. Reg. 5903, effective April 1, 2003;
171 emergency amendment at 27 Ill. Reg. 14230, effective August 15, 2003, for a maximum of 150
172 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15904, effective September

173 25, 2003; amended at 27 Ill. Reg. 18148, effective November 15, 2003; amended at 28 Ill. Reg.
 174 11209, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11931, effective July 12,
 175 2005, for a maximum of 150 days; emergency rule modified in response to JCAR
 176 Recommendation at 29 Ill. Reg. 15208, effective September 23, 2005, for the remainder of the
 177 maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg.
 178 12924, effective August 2, 2005; amended at 30 Ill. Reg. 1452, effective January 23, 2006;
 179 amended at 30 Ill. Reg. 5303, effective March 2, 2006; amended at 31 Ill. Reg. 6098, effective
 180 April 3, 2007; amended at 31 Ill. Reg. 8841, effective June 6, 2007; amended at 33 Ill. Reg.
 181 9384, effective June 17, 2009; amended at 34 Ill. Reg. 19214, effective November 23, 2010;
 182 amended at 35 Ill. Reg. 3442, effective February 14, 2011; amended at 35 Ill. Reg. 11596,
 183 effective June 29, 2011; amended at 37 Ill. Reg. 2330, effective February 4, 2013; amended at 37
 184 Ill. Reg. 4983, effective March 29, 2013; amended at 39 Ill. Reg. 5482, effective March 25,
 185 2015; amended at 42 Ill. Reg. 1132, effective January 5, 2018; emergency amendment at 44 Ill.
 186 Reg. 8548, effective May 5, 2020, for a maximum of 150 days; emergency repeal of emergency
 187 rule at 44 Ill. Reg. 16291, effective September 15, 2020; emergency amendment at 44 Ill. Reg.
 188 18994, effective November 19, 2020, for a maximum of 150 days; emergency rule expired April
 189 17, 2021; emergency amendment at 45 Ill. Reg. 425, effective December 18, 2020, for a
 190 maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 2098, effective
 191 January 27, 2021, for the remainder of the 150 days; emergency rule as amended expired May
 192 16, 2021; emergency amendment at 45 Ill. Reg. 5576, effective April 18, 2021, for a maximum
 193 of 150 days; emergency expired September 14, 2021; emergency amendment at 45 Ill. Reg.
 194 6719, effective May 17, 2021, for a maximum of 150 days; emergency expired October 13,
 195 2021; emergency amendment at 45 Ill. Reg. 11994, effective September 15, 2021, for a
 196 maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 14597, effective
 197 November 5, 2021, for the remainder of the 150 days; emergency expired February 11, 2022;
 198 emergency amendment at 45 Ill. Reg. 13725, effective October 14, 2021, for a maximum of 150
 199 days; emergency expired March 12, 2022; emergency amendment at 45 Ill. Reg. 14039, effective
 200 October 22, 2021, for a maximum of 150 days; emergency expired March 20, 2022; emergency
 201 amendment at 46 Ill. Reg. 3297, effective February 12, 2022, for a maximum of 150 days;
 202 emergency expired July 11, 2022; emergency amendment at 46 Ill. Reg. 5357, effective March
 203 13, 2022, for a maximum of 150 days; emergency expired August 9, 2022; emergency
 204 amendment at 46 Ill. Reg. 5590, effective March 21, 2022, for a maximum of 150 days; amended
 205 at 46 Ill. Reg. 10504, effective June 2, 2022; emergency amendment at 46 Ill. Reg. 13432,
 206 effective July 15, 2022, for a maximum of 150 days; emergency amendment to emergency rule
 207 at 46 Ill. Reg. 16504, effective September 19, 2022 for the remainder of the 150 days; emergency
 208 amendment to emergency rule at 46 Ill. Reg. 18268, effective October 31, 2022, for the
 209 remainder of the 150 days; emergency expired December 11, 2022; amended at 46 Ill. Reg.
 210 14285, effective July 27, 2022; emergency amendment at 46 Ill. Reg. 20295, effective December
 211 12, 2022, for a maximum of 150 days; emergency expired May 10, 2023; amended at 47 Ill. Reg.
 212 7762, effective May 17, 2023; amended at 48 Ill. Reg. 13825, effective August 28, 2024;
 213 Subchapter c recodified at 49 Ill. Reg. 2551; amended at 49 Ill. Reg. 6539, effective April 22,
 214 2025; amended at 50 Ill. Reg. _____, effective _____.
 215

SUBPART A: GENERAL PROVISIONS

Section 340.1010 Incorporated and Referenced Materials

- 216
217
218
219
220 a) The following regulations and standards are incorporated in this Part:
221
222 1) Private and professional association standards:
223
224 A) American College of Obstetricians and Gynecologists, Guidelines
225 for Women's Health Care, Fourth Edition (2014), which may be
226 obtained online at:
227 [https://www.scribd.com/document/359258258/american-college-](https://www.scribd.com/document/359258258/american-college-of-obstetricians-and-gynecologists-guidelines-for-women-s-health-care-a-resource-manual)
228 [of-obstetricians-and-gynecologists-guidelines-for-women-s-health-](https://www.scribd.com/document/359258258/american-college-of-obstetricians-and-gynecologists-guidelines-for-women-s-health-care-a-resource-manual)
229 [care-a-resource-manual](https://www.scribd.com/document/359258258/american-college-of-obstetricians-and-gynecologists-guidelines-for-women-s-health-care-a-resource-manual). (See Section 340.1550.)
230
231 B) American Society of Heating, Refrigerating, and Air Conditioning
232 Engineers (ASHRAE): ASHRAE Guideline 12-2020, "Managing
233 the Risk of Legionellosis Associated with Building Water
234 Systems" (March 30, 2021), which may be obtained from the
235 American Society of Heating, Refrigerating, and Air Conditioning
236 Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329.
237
238 C) The Prescribers' Digital Reference (PDR) database, which may be
239 accessed at: www.pdr.net.
240
241 D) The UpToDate Lexidrug online database, which may be accessed
242 at:
243 www.wolterskluwer.com/en/solutions/uptodate/enterprise/lexidrug.
244
245 E) The American Society of Health-System Pharmacists (ASHP)
246 database, which may be accessed at: www.ashp.org.
247
248 2) Federal guidelines:
249
250 A) The following guidelines of the Center for Infectious Diseases,
251 Centers for Disease Control and Prevention, United States Public
252 Health Service, Department of Health and Human Services, may
253 be obtained from the National Technical Information Service
254 (NTIS), U.S. Department of Commerce, 5285 Port Royal Road,
255 Springfield, VA 22161:
256
257 i) Guideline for Prevention of Catheter-Associated Urinary
258 Tract Infections [2009](#); available at:

- 259 [https://www.cdc.gov/infection-](https://www.cdc.gov/infection-control/media/pdfs/guideline-cauti-h.pdf?CDC_AAref_Val=https://www.cdc.gov/infectioncontrol/pdf/guidelines/cauti-guidelines-H.pdf)
260 [control/media/pdfs/guideline-cauti-](https://www.cdc.gov/infection-control/media/pdfs/guideline-cauti-h.pdf?CDC_AAref_Val=https://www.cdc.gov/infectioncontrol/pdf/guidelines/cauti-guidelines-H.pdf)
261 [h.pdf?CDC_AAref_Val=https://www.cdc.gov/infectioncon](https://www.cdc.gov/infectioncontrol/pdf/guidelines/cauti-guidelines-H.pdf)
262 [trol/pdf/guidelines/cauti-guidelines-H.pdf](https://www.cdc.gov/infectioncontrol/pdf/guidelines/cauti-guidelines-H.pdf) (June 6, 2019);
263
264 ii) Guideline for Hand Hygiene in Health-Care Settings,
265 available at: [https://www.cdc.gov/infection-](https://www.cdc.gov/infection-control/media/pdfs/Guideline-Hand-Hygiene-P.pdf)
266 [control/media/pdfs/Guideline-Hand-Hygiene-P.pdf](https://www.cdc.gov/infection-control/media/pdfs/Guideline-Hand-Hygiene-P.pdf)
267 (October 25, 2002);
268
269 iii) Guidelines for Prevention of Intravascular Catheter-Related
270 Infections, 2011, available at:
271 [https://www.cdc.gov/infection-](https://www.cdc.gov/infection-control/media/pdfs/guideline-bsi-h.pdf?CDC_AAref_Val=https://www.cdc.gov/infectioncontrol/pdf/guidelines/bsi-guidelines-H.pdf)
272 [control/media/pdfs/guideline-bsi-](https://www.cdc.gov/infection-control/media/pdfs/guideline-bsi-h.pdf?CDC_AAref_Val=https://www.cdc.gov/infectioncontrol/pdf/guidelines/bsi-guidelines-H.pdf)
273 [h.pdf?CDC_AAref_Val=https://www.cdc.gov/infectioncon](https://www.cdc.gov/infectioncontrol/pdf/guidelines/bsi-guidelines-H.pdf)
274 [trol/pdf/guidelines/bsi-guidelines-H.pdf](https://www.cdc.gov/infectioncontrol/pdf/guidelines/bsi-guidelines-H.pdf) (October 2017);
275
276 iv) Guideline for Prevention of Surgical Site Infection, 2017,
277 available at:
278 [https://jamanetwork.com/journals/jamasurgery/fullarticle/2](https://jamanetwork.com/journals/jamasurgery/fullarticle/2623725)
279 [623725](https://jamanetwork.com/journals/jamasurgery/fullarticle/2623725) (August 2017);
280
281 v) Guidelines for Preventing Healthcare-Associated
282 Pneumonia, 2003, available at:
283 [https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5303a1.](https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5303a1.htm)
284 [htm](https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5303a1.htm) (March 26, 2004);
285
286 vi) 2007 Guideline for Isolation Precautions: Preventing
287 Transmission of Infectious Agents in Healthcare Settings,
288 available at: [https://www.cdc.gov/infection-](https://www.cdc.gov/infection-control/media/pdfs/guideline-isolation-h.pdf?CDC_AAref_Val=https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf)
289 [control/media/pdfs/guideline-isolation-](https://www.cdc.gov/infection-control/media/pdfs/guideline-isolation-h.pdf?CDC_AAref_Val=https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf)
290 [h.pdf?CDC_AAref_Val=https://www.cdc.gov/infectioncon](https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf)
291 [trol/pdf/guidelines/isolation-guidelines-H.pdf](https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf) (September
292 2024);
293
294 vii) Infection Control in Healthcare Personnel, available in two
295 parts: Infrastructure and Routine Practices for
296 Occupational Infection Prevention and Control Services,
297 available at: [https://www.cdc.gov/infection-](https://www.cdc.gov/infection-control/media/pdfs/Guideline-Infection-Control-HCP-H.pdf)
298 [control/media/pdfs/Guideline-Infection-Control-HCP-](https://www.cdc.gov/infection-control/media/pdfs/Guideline-Infection-Control-HCP-H.pdf)
299 [H.pdf](https://www.cdc.gov/infection-control/media/pdfs/Guideline-Infection-Control-HCP-H.pdf) (October 25, 2019) and Epidemiology and Control of
300 Selected Infections Transmitted Among Healthcare
301 Personnel and Patients, available at:

302 [https://www.cdc.gov/infection-](https://www.cdc.gov/infection-control/media/pdfs/Guideline-IC-HCP-H.pdf)
303 [control/media/pdfs/Guideline-IC-HCP-H.pdf](https://www.cdc.gov/infection-control/media/pdfs/Guideline-IC-HCP-H.pdf) (October 22,
304 2024).
305

306 B) The following publication may be obtained at the Centers for
307 Disease Control and Prevention website: Toolkit for Controlling
308 Legionella in Common Sources of Exposure ([February 17,](#)
309 ~~2026~~[January 13, 2021](#)), available at: [https://www.cdc.gov/control-](https://www.cdc.gov/control-legionella/media/pdfs/Control-Toolkit-All-Modules.pdf)
310 [legionella/media/pdfs/Control-Toolkit-All-Modules.pdf](https://www.cdc.gov/control-legionella/media/pdfs/Control-Toolkit-All-Modules.pdf).
311

312 3) Federal regulations:
313

314 A) Definitions (38 CFR 51.2, effective July 1, 2024);
315

316 B) Resident rights (38 CFR 51.70, effective July 1, 2024);
317

318 C) Admission, transfer and discharge rights (38 CFR 51.80, effective
319 July 1, 2024);
320

321 D) Resident behavior and facility practices (38 CFR 51.90, effective
322 July 1, 2024);
323

324 E) Quality of life (38 CFR 51.100, effective July 1, 2024);
325

326 F) Resident assessment (38 CFR 51.110, effective July 1, 2024);
327

328 G) Quality of care (38 CFR 51.120, effective July 1, 2024);
329

330 H) Nursing services (38 CFR 51.130, effective July 1, 2024);
331

332 I) Dietary services (38 CFR 51.140, effective July 1, 2024);
333

334 J) Physician services (38 CFR 51.150, effective July 1, 2024);
335

336 K) Specialized rehabilitative services (38 CFR 51.160, effective July
337 1, 2024);
338

339 L) Dental services (38 CFR 51.170, effective July 1, 2024);
340

341 M) Pharmacy services (38 CFR 51.180, effective July 1, 2024);
342

343 N) Infection control (38 CFR 51.190, effective July 1, 2024);
344

- 345 O) Physical environment (38 CFR 51.200, effective July 1, 2024);
- 346
- 347 P) Administration (38 CFR 51.210, effective July 1, 2023);
- 348
- 349 Q) Prescriptions (21 CFR 1306, effective April 1, 2024);~~2~~
- 350
- 351 R) Medical Foster Homes - General (38 CFR 17.73, effective July 1,
- 352 2024);~~2~~
- 353

354 b) The following federal and State statutes are referenced in this Part:

- 355
- 356 1) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);
- 357
- 358 2) Social Security Act (42 U.S.C. 301 et seq., 1935 et seq., and 1936 et seq.);
- 359
- 360 3) Veterans' Benefits (38 U.S.C. 101; 38 U.S.C. 641 et seq.);
- 361
- 362 4) Controlled Substances Act (21 U.S.C. 802);
- 363
- 364 5) Illinois Dental Practice Act [225 ILCS 25];
- 365
- 366 6) Election Code [10 ILCS 5];
- 367
- 368 7) Freedom of Information Act [5 ILCS 140];
- 369
- 370 8) General Not For Profit Corporation Act of 1986 [805 ILCS 105];
- 371
- 372 9) Illinois Health Facilities Planning Act [20 ILCS 3960];
- 373
- 374 10) Nurse Practice Act [225 ILCS 65];
- 375
- 376 11) Illinois Occupational Therapy Practice Act [225 ILCS 75];
- 377
- 378 12) Illinois Physical Therapy Act [225 ILCS 90];
- 379
- 380 13) Life Care Facilities Act [210 ILCS 40];
- 381
- 382 14) Medical Practice Act of 1987 [225 ILCS 60];
- 383
- 384 15) Mental Health and Developmental Disabilities Code [405 ILCS 5];
- 385
- 386 16) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS
- 387 70];

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- 17) Nursing Home Care Act [210 ILCS 45];
 - 18) Pharmacy Practice Act [225 ILCS 85];
 - 19) Probate Act of 1975 [755 ILCS 5];
 - 20) Illinois Public Aid Code [305 ILCS 5];
 - 21) Counties Code [55 ILCS 5];
 - 22) Hospital Licensing Act [210 ILCS 85];
 - 23) Child Care Act of 1969 [225 ILCS 10];
 - 24) Community Living Facilities Licensing Act [210 ILCS 35];
 - 25) Supportive Residences Licensing Act [210 ILCS 65];
 - 26) Assisted Living and Shared Housing Act [210 ILCS 9];
 - 27) Alternative Health Care Delivery Act [210 ILCS 3];
 - 28) Clinical Psychologist Licensing Act [225 ILCS 15];
 - 29) Clinical Social Work and Social Work Practice Act [225 ILCS 20];
 - 30) Alzheimer's Disease and Related Dementias Special Care Disclosure Act [210 ILCS 4];
 - 31) Illinois Administrative Procedure Act [5 ILCS 100];
 - 32) Illinois Act on the Aging [20 ILCS 105];
 - 33) Health Care Worker Background Check Act [225 ILCS 46];
 - 34) Illinois Controlled Substances Act [720 ILCS 570];
 - 35) Wrongs to Children Act [720 ILCS 150];
 - 36) Illinois Power of Attorney Act, Powers Of Attorney For Health Care [755 ILCS 45/Art. IV];

- 431 37) Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49];
- 432
- 433 38) Illinois Living Will Act [755 ILCS 35];
- 434
- 435 39) Health Care Surrogate Act [755 ILCS 40];
- 436
- 437 40) Health Care Right of Conscience Act [745 ILCS 70];
- 438
- 439 41) Illinois Optometric Practice Act of 1987 [225 ILCS 80];
- 440
- 441 42) Physician Assistant Practice Act of 1987 [225 ILCS 95];
- 442
- 443 43) Podiatric Medical Practice Act of 1987 [225 ILCS 100];
- 444
- 445 44) Sex Offender Management Board Act [20 ILCS 4026];
- 446
- 447 45) MC/DD Act [210 ILCS 46];
- 448
- 449 46) ID/DD Community Care Act [210 ILCS 47];
- 450
- 451 47) Alzheimer's Disease and Related Dementias Services Act [410 ILCS 406];
- 452
- 453 48) Illinois Uniform Conviction Information Act [20 ILCS 2635];
- 454
- 455 49) Illinois Controlled Substances Act [720 ILCS 570];
- 456
- 457 50) Home Health, Home Services, and Home Nursing Agency Licensing Act
- 458 [210 ILCS 55];
- 459
- 460 51) Community-Integrated Living Arrangements Licensure and Certification
- 461 Act [210 ILCS 135];
- 462
- 463 52) Methamphetamine Control and Community Protection Act [720 ILCS
- 464 646];
- 465
- 466 53) Department of Veterans' Affairs Act [20 ILCS 2805];
- 467
- 468 54) Authorized Electronic Monitoring in Long-Term Care Facilities Act [210
- 469 ILCS 32];
- 470
- 471 55) Illinois Emergency Management Agency Act [20 ILCS 3305];
- 472
- 473 56) Language Assistance Services Act [210 ILCS 87];

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57) Mental Health Treatment Preference Declaration Act [755 ILCS 43];

58) [Code of Civil Procedure \[735 ILCS 5\]](#);

59) [Essential Support Person Act \[210 ILCS 175\]](#).

c) The following State of Illinois rules are referenced:

- 1) Department of Public Health, Control of Notifiable Diseases and Conditions Code (77 Ill. Adm. Code 690);
- 2) Department of Public Health, Control of Sexually Transmissible Infections Code (77 Ill. Adm. Code 693);
- 3) Department of Public Health, Food Code (77 Ill. Adm. Code 750);
- 4) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890);
- 5) Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905);
- 6) Department of Public Health, Drinking Water Systems Code (77 Ill. Adm. Code 900);
- 7) Department of Public Health, Water Well Construction Code (77 Ill. Adm. Code 920);
- 8) Department of Public Health, Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925);
- 9) Department of Public Health, Access to Records of the Department of Public Health (2 Ill. Adm. Code 1127);
- 10) Department of Public Health, Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395);
- 11) Department of Public Health, Control of Tuberculosis Code (77 Ill. Adm. Code 696);
- 12) Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955);

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- 13) Department of Public Health, Language Assistance Services Code (77 Ill. Adm. Code 940);
 - 14) Department of Public Health, Authorized Electronic Monitoring in Long-Term Care Facilities Code (77 Ill. Adm. Code 389);
 - 15) Department of Public Health, Alzheimer's Disease and Related Dementias Services Code (77 Ill. Adm. Code 973);
 - 16) Department of Public Health, Illinois Controlled Substances Act (77 Ill. Adm. Code 3100);
 - 17) [Department of Public Health, Essential Support Person Code \(77 Ill. Adm. Code 50\)](#);
 - ~~1817~~) Department of Financial and Professional Regulation, Illinois Controlled Substances Act (77 Ill. Adm. Code 3100);
 - ~~1918~~) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060);
 - ~~2019~~) Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140).
- d) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

SUBPART B: POLICIES AND FACILITY RECORDS

Section 340.1350 Personnel Policies

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- a) Sufficient staff in numbers and qualifications shall be on duty all hours of each day to provide services that meet the total needs of the residents. As a minimum, there shall be at least one staff member awake, dressed, and on duty at all times.
 - b) The facility shall document all arrangements for each consultant's services in a written agreement setting forth services to be provided. These agreements shall be updated annually.

- 560
561 c) Each facility shall develop and maintain written personnel policies that are
562 followed in the operation of the facility.
563
- 564 d) Employment application forms shall be completed for each employee and kept on
565 file in the facility. Completed forms shall contain, at a minimum, home address;
566 social security number; educational background; and employment history,
567 including dates, positions held, and reasons for leaving. The date of employment
568 and position held shall be documented in each file.
569
- 570 e) Employees shall only be assigned duties that are directly related to their job
571 functions, as identified in their job descriptions. Exceptions may be made in
572 emergencies.
573
- 574 f) All personnel shall have either training or experience, or both, in the job assigned
575 them.
576
- 577 g) Prior to employing any individual in a position that requires a State license, the
578 facility shall contact the Illinois Department of Financial and Professional
579 Regulation to verify that the individual's license is active. A copy of the license
580 shall be placed in the individual's personnel file.
581
- 582 h) The facility shall check the status of all applicants with the Health Care Worker
583 Registry prior to hiring.
584
- 585 i) All new employees, including student interns, shall complete an orientation
586 program covering, at a minimum, the following: general facility and resident
587 orientation; job orientation, emphasizing allowable duties of the new employee;
588 resident safety, including fire and disaster, emergency care and basic resident
589 safety; and understanding and communicating with the type of residents being
590 cared for in the facility. In addition, all new direct care staff, including student
591 interns, shall complete an orientation program covering the facility's policies and
592 procedure for resident care services before being assigned to provide direct care to
593 residents. This orientation program shall include information on the prevention
594 and treatment of decubitus ulcers and the importance of nutrition in general health
595 care.
596
- 597 j) All employees, except student interns, shall attend in-service training programs
598 pertaining to their assigned duties at least annually. These in-service training
599 programs shall include the facility's policies, skill training, and ongoing education
600 to enable all personnel to perform their duties effectively. The in-service training
601 sessions regarding personal care, nursing and restorative services shall include
602 information on prevention and treatment of decubitus ulcers. In-service training

concerning dietary services shall include information on the effects of diet in treatment of various diseases or medical conditions and the importance of laboratory test results in determining therapeutic diets. Written records of program content and personnel attending each session shall be kept.

k) The facility and administrators of a facility licensed under the Act and this Part shall ensure that all staff of the facility receive annual in-service training designed to prevent retaliatory actions from being taken against residents of the facility. The facility and administrators of the facility shall ensure that the person who conducts the in-service training at a facility is familiar with the specific needs of the resident population at the facility. The training parameters and subjects of the in-service training conducted by administrators under this Section shall include, at a minimum, a discussion of the following topics:

- A) A resident's right to file complaints and voice grievances in the event of retaliation;
- B) Examples of what might constitute retaliation against a resident;
- C) Understanding the residents' fear of retaliation; and
- D) Methods of preventing employee retaliation against residents and alleviating a resident's fear of retaliation. (Section 3-125 of the Act)

~~l)~~ Every facility shall have a current employee time schedule. This schedule shall contain the employee's name, job title, shift assignment, hours of work, and days off. The schedule shall be kept on file in the facility for one year after the week for which the schedule was used.

~~m)~~ Personnel policies shall include a plan to provide personnel coverage for regular staff when they are absent.

~~n)~~ Individual employee work performance evaluations shall be completed and maintained in the employee's file.

~~o)~~ The date and reason a person discontinues employment at the facility shall be noted in their file.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 340.1395 Essential Support Persons

645 A facility shall comply with the Essential Support Person Act and the Essential Support Person
646 Code.

647 (Source: Added at 50 Ill. Reg. _____, effective _____)

649
650 **SUBPART C: RESIDENT RIGHTS**

651
652 **Section 340.1410 General**

- 653
- 654 a) *No resident shall be deprived of any rights, benefits, or privileges guaranteed by*
655 *State or federal law, the Constitution of the State of Illinois, or the Constitution of*
656 *the United States solely on account of their status as a resident of a facility.*
- 657
- 658 1) *Residents shall have the right to be treated with courtesy and respect by*
659 *employees or persons providing medical services or care and shall have*
660 *their human and civil rights maintained in all aspects of medical care as*
661 *defined in the State Operations Manual for Long-Term Care Facilities.*
- 662
- 663 2) *In accordance with 42 CFR 483.10, residents shall have their basic*
664 *human needs, including, but not limited to, water, food, medication,*
665 *toileting, and personal hygiene, accommodated in a timely manner, as*
666 *defined by the person and agreed upon by the interdisciplinary team.*
- 667
- 668 3) *Residents have the right to maintain their autonomy as much as*
669 *possible*~~*Residents have the right to maintain their autonomy as much as*~~
670 ~~*possible.*~~ (Section 2-101 of the Act)
- 671
- 672 b) *A resident shall be permitted the free exercise of religion. Upon a resident's*
673 *request, and if necessary at his expense, the facility administrator shall make*
674 *arrangements for a resident's attendance at religious services of the resident's*
675 *choice. However, no religious beliefs or practices, or attendance at religious*
676 *services, ~~shall~~may be imposed upon any resident.* (Section 2-109 of the Act)
- 677
- 678 c) All facilities shall comply with the Election Code as it pertains to absentee voting
679 for residents of licensed long-term care facilities.
- 680
- 681 d) *The facility shall immediately notify the resident's next of kin, representative and*
682 *physician of the resident's death or when the resident's death appears to be*
683 *imminent.* (Section 2-208 of the Act)
- 684
- 685 e) The facility shall also immediately notify the resident's family, guardian,
686 representative, conservator and any private or public agency financially
687 responsible for the resident's care whenever unusual circumstances such as

688 accidents, sudden illness, disease, unexplained absences, extraordinary resident
 689 charges, billings, or related administrative matters arise.

690
 691 f) *Where a resident, a resident's representative or a resident's next of kin believes*
 692 *that an emergency exists each or them, collectively or separately, may file a*
 693 *verified petition to the circuit court for the county in which the facility is located*
 694 *for an order placing the facility under the control of a receiver. (Section 3-503 of*
 695 *the Act) As used in Section 3-503 ~~of the Act~~of the Act, "emergency" means a*
 696 *threat to the health, safety or welfare of a resident that the facility is unwilling or*
 697 *unable to correct. (Section 3-501 of the Act)*

698
 699 g) *The facility shall make reasonable efforts to prevent loss and theft of residents'*
 700 *property. Those efforts shall be appropriate to the particular facility and may, for*
 701 *example, include, but are not limited to, staff training and monitoring, labeling*
 702 *property, and frequent property inventories. (Section 2-103 of the Act)*

703
 704 h) *A resident may refuse to perform labor for a facility. Residents shall not perform*
 705 *labor or services for the facility unless consistent with F566 of the State*
 706 *Operations Manual for Long-Term Care Facilities. The activities shall be*
 707 *included for therapeutic purposes and shall be appropriately ~~goal-related~~goal*
 708 *related to the individual's care plan. If a resident chooses to perform labor or*
 709 *services, the resident shall be compensated at or above the prevailing wage rate.*
 710 *(Section 2-113 of the Act)*

711
 712 i) *Posting Requirements for Facilities*

713
 714 1) *Every facility shall conspicuously post for display in an area of its offices*
 715 *accessible to residents, employees, and visitors the following:*

716
 717 A) *Its current license;*

718
 719 B) *A description, provided by the Department, of complaint*
 720 *procedures established under this Act and the name, address, and*
 721 *telephone number of a person authorized by the Department to*
 722 *receive complaints;*

723
 724 C) *A copy of any order pertaining to the facility issued by the*
 725 *Department or a court;*

726
 727 D) *A list of the material available for public inspection under Section*
 728 *3-210 of the Act;*

729
 730 E) *Phone numbers and websites for rights protection services, which*

731 shall ~~must~~ be posted in common areas and at the main entrance
732 and provided upon entry and at the request of residents or the
733 resident's representative in accordance with 42 CFR 483.10(j)(4);
734 and

735
736 FB) The statement "The Illinois Long-Term Care Ombudsman
737 Program is a free resident advocacy service available to the
738 public."; and

739
740 G) A description of the retaliation complaint procedures and the
741 remedies established under the Act and Section 340.1495.
742 (Section 3-209(a) of the Act)

743
744 2) The administrator shall post for all residents and at the main entrance the
745 name, address, and telephone number of the appropriate State
746 governmental office where complaints may be lodged in language the
747 resident can understand, which must include notice of the grievance
748 procedure of the facility or program as well as addresses and phone
749 numbers for the Office of Health Care Regulation and the Long-Term
750 Care Ombudsman Program and a website showing the information of a
751 facility's ownership. The facility shall include a link to the Long-Term
752 Care Ombudsman Program's website on the home page of the facility's
753 website. (Section 3-209 of the Act)

754
755 (Source: Amended at 50 Ill. Reg. _____, effective _____)

756
757 **Section 340.1490 Private Right of Action**

758
759 a) Each resident shall have the right to maintain a private right of action against a
760 facility as described in subsections (b) through (i) of this Section.

761
762 b) The owner and licensee of a facility ~~of a facility~~ are liable to a resident for any
763 intentional or negligent act or omission of their agents or employees which
764 injures the resident. (Section 3-601 of the Act)

765
766 c) The licensee shall pay three times the actual damages, ~~or \$500, whichever is~~
767 ~~greater,~~ and costs and attorney's fees to a facility resident whose rights as
768 specified in Part 1 of Article II of the Act, including, but not limited to, the rights
769 under Section 2-120 of the Act and Section 340.1495, are violated. (Section 3-
770 602 of the Act)

771
772 d) A resident may maintain an action under the Act and this Part for any other type
773 or relief, including injunctive and declaratory relief, permitted by law. (Section 3-

- 774 603 of the Act)
 775
 776 e) *Any damages recoverable under Sections 3-601 through 3-607 of the Act and*
 777 *subsections (b) through (h) of this Section~~subsections (b) through (i) of this~~*
 778 *Section, including minimum damages as provided by the Act and this Part, may be*
 779 *recovered in any action which a court may authorize to be brought as a class*
 780 *action pursuant to Article II, Part 8, of the Code of Civil Procedure~~part 8 of the~~*
 781 *Civil Practice Law (Ill. Rev. Stat. 1991, ch. 110, par. 2-801 et seq.) [735 ILCS 5].*
 782 *The remedies provided in Sections 3-601 through 3-607 of the Act and*
 783 *subsections (b) through (h) of this Section~~subsections (b) through (i) of this~~*
 784 *Section are in addition to and cumulative with any other legal remedies available*
 785 *to a resident. Exhaustion of any available administrative remedies shall not be*
 786 *required prior to commencement of a suit hereunder. (Section 3-604 of the Act)*
 787
 788 f) *The amount of damages recovered by a resident in an action brought under*
 789 *Sections 3-601 through 3-607 of the Act and subsections (b) through (h) of this*
 790 *Section~~subsections (b) through (i) of this Section~~ shall be exempt for purposes of*
 791 *determining initial or continuing eligibility for medical assistance under the*
 792 *Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 1-1 et seq.) [305 ILCS*
 793 *5] as now or hereafter amended, and shall neither be taken into consideration nor*
 794 *required to be applied toward the payment or partial payment of the cost of*
 795 *medical care or services available under the Illinois Public Aid Code. (Section 3-*
 796 *605 of the Act)*
 797
 798 g) *Any waiver by a resident or the resident's legal representative of the right to*
 799 *commence an action under Sections 3-601 through 3-607 of the Act and*
 800 *subsections (b) through (h) of this Section~~subsections (b) through (i) of this~~*
 801 *Section, whether oral or in writing, shall be null and void, and without legal force*
 802 *or effect. (Section 3-606 of the Act)*
 803
 804 h) *Any party to an action brought under Sections 3-601 through 3-607 of the Act*
 805 *and subsections (b) through (h) of this Section~~subsections (b) through (i) of this~~*
 806 *Section shall be entitled to a trial by jury and any waiver of the right to a trial by*
 807 *jury, whether oral or in writing, prior to the commencement of an action, shall be*
 808 *null and void, and without legal force or effect. (Section 3-607 of the Act)*
 809
 810 i) *A licensee or its agents or employees shall not transfer, discharge, evict, harass,*
 811 *dismiss, or retaliate against a resident, a resident's representative, or an*
 812 *employee or agent who makes a report under Section 2-107 of the Act and*
 813 *subsection 340.1440(a) of resident abuse or neglect, brings or testifies in an action*
 814 *under Sections 3-601 through 3-607 of the Act and subsections (b) through (h) of*
 815 *this Section~~in a private right of action~~, or files a complaint, because of the report,*
 816 *testimony or complaint. (Section 3-608 of the Act)*

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(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 340.1495 Prohibition of Retaliatory Action Against Residents

- a) For the purposes of this Section, "retaliatory action" means an action that is taken in retaliation for a resident's involvement in one or more of the protected activities described in subsections (b)(1) through (8) and that interferes with a resident's quality of life at the facility or results in either the imposition of selective restrictions or the resident's neglect or reduced access to services. Section 2-120(a) of the Act)

- b) No facility, licensee of a facility, or employee of a facility shall threaten to take or take a retaliatory action against a resident because the resident does any one or more of the following:
 - 1) Complains, discloses, or threatens to disclose, to a supervisor, a public body, including, but not limited to, the Office of the State Long Term Care Ombudsman, or any other person with regulatory authority, an activity, inaction, policy, or practice implemented by a licensee or facility that the resident reasonably believes violates the Act or this Part, or any other law, rule, or regulation;

 - 2) Provides information to or testifies before a public body conducting an investigation, hearing, or inquiry into a violation of the Act or this Part, or any other law, rule, or regulation by an administrator of the facility;

 - 3) Assists or participates in a proceeding to enforce the provisions of the Act or this Part, including a grievance procedure under Section 2-112 of the Act and Section 340.1480;

 - 4) Seeks assistance for the resident to transition to independent living or another setting outside of the resident's current facility;

 - 5) Makes a request of the facility related to the resident's care;

 - 6) Becomes a member of a residents' advisory council as described in Section 2-203 of the Act and Section 340.1430, a resident union, or a similar organization;

 - 7) Engages in activity protected in Section 3-608 of the Act and Section 340.1490; or

- 860 8) Takes any other good faith action in support of any other right or remedy
861 provided by law. (Section 2-120(b)(1) through (8) of the Act)
862
- 863 c) A resident who alleges a violation of subsection (b) by a facility, the licensee of a
864 facility, or an employee of a facility may bring a civil action for damages against
865 the facility, the licensee who is responsible for the facility, or both, within two
866 years after the date of the last violation of subsection (b) that is alleged in the
867 resident's complaint. A violation of subsection (b) may be established upon a
868 finding that:
- 869
- 870 1) The facility, the licensee of the facility, or the employee of the facility
871 engaged in conduct described in subsection (b); and
872
- 873 2) This conduct was a contributing factor in the retaliatory action alleged by
874 the resident. (Section 2-120(c) of the Act)
875
- 876 d) For each claimed violation of subsection (b) by a facility, a licensee of a facility,
877 or an employee of a facility, the facility, the licensee who is responsible for the
878 facility, or both may also be liable to the resident for additional damages in an
879 amount equal to the average monthly billing rate for Medicaid recipients in the
880 facility. (Section 2-120(d) of the Act)
881
- 882 e) A copy of any complaint filed under Section 2-120 of the Act and this Section
883 shall be filed with the Department by the facility. (Section 2-120(e) of the Act)
884
- 885 f) To ensure compliance with the requirements of the Act and this Section, each
886 licensee shall annually provide to the residents of its facility and their next of kin,
887 a document containing a description of the retaliation complaint procedures and
888 remedies established under the Act and this Part. The licensee shall file this
889 document in the resident's document file. This document shall also be made
890 available to the resident, the resident's representative, the Department, or the
891 Office of the State Long Term Care Ombudsman upon request. (Section 2-120(f)
892 of the Act)
893

894 (Source: Added at 50 Ill. Reg. _____, effective _____)