

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER d: 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
350.185	Designation of Distressed Facilities
350.190	Experimental Program Conflicting with Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public by the Department
350.230	Information to Be Made Available to the Public by the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional License
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Type of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties (Repealed)
350.286	Notice of Penalty Assessment: Response by Facility
350.287	Consideration of Factors for Assessing Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators (Repealed)

44	350.300	Alcoholism Treatment Programs in Long-Term Care Facilities
45	350.310	Department May Survey Facilities Formerly Licensed
46	350.315	Supported Congregate Living Arrangement Demonstration (Repealed)
47	350.320	Waivers
48	350.330	Definitions
49	350.340	Incorporated and Referenced Materials

50

51 SUBPART B: ADMINISTRATION

52

53 Section

54	350.510	Administrator
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55

56 SUBPART C: POLICIES

57

58 Section

59	350.610	Management Policies
60	350.620	Resident Care Policies
61	350.625	Determination of Need Screening and Request for Resident Criminal History
62		Record Information
63	350.630	Admission, Retention and Discharge Policies
64	350.634	Criminal History Background Checks for Persons Who Were Residents on May
65		10, 2006 (Repealed)
66	350.635	Identified Offenders
67	350.636	Discharge Planning for Identified Offenders
68	350.637	Transfer of an Identified Offender
69	350.640	Contract Between Resident and Facility
70	350.650	Residents' Advisory Council
71	350.660	General Policies
72	350.670	Personnel Policies
73	350.671	Whistleblower Protection
74	350.675	Initial Health Evaluation for Employees
75	350.680	Direct Support Persons (DSP)
76	350.681	Health Care Worker Background Check
77	350.682	Resident Attendants
78	350.683	Registry of Direct Support Persons
79	350.684	Certified Nursing Assistant Interns
80	350.685	Student Interns
81	350.690	Disaster Preparedness
82	350.691	Electronic Monitoring
83	350.700	Incidents and Accidents
84	350.750	Contacting Local Law Enforcement
85	350.760	Infection Control
86	<u>350.765</u>	<u>Essential Support Persons</u>

SUBPART D: PERSONNEL

Section

- 350.810 Personnel
- 350.820 Consultation Services
- 350.830 Personnel Policies (Repealed)
- 350.840 Employee Assistance Program

SUBPART E: RESIDENT LIVING SERVICES

Section

- 350.1010 Service Programs
- 350.1020 Psychological Services
- 350.1030 Social Services
- 350.1040 Speech Pathology and Audiology Services
- 350.1050 Recreational and Activities Services
- 350.1055 Volunteer Program
- 350.1060 Training and Habilitation Services
- 350.1070 Training and Habilitation Staff
- 350.1080 Restraints
- 350.1082 Nonemergency Use of Physical Restraints
- 350.1084 Emergency Use of Physical Restraints
- 350.1086 Unnecessary, Psychotropic, and Antipsychotic Drugs
- 350.1088 Language Assistance Services

SUBPART F: HEALTH SERVICES

Section

- 350.1210 Health Services
- 350.1220 Physician Services
- 350.1223 Communicable Disease Policies
- 350.1225 Tuberculin Skin Test Procedures
- 350.1230 Nursing Services
- 350.1235 Life-Sustaining Treatments
- 350.1236 Care and Treatment of Sexual Assault Survivors
- 350.1240 Dental Services
- 350.1250 Physical and Occupational Therapy Services
- 350.1260 Vaccinations

SUBPART G: MEDICATIONS

Section

130	350.1410	Medication Policies and Procedures
131	350.1420	Compliance with Licensed Prescriber's Orders
132	350.1430	Administration of Medication
133	350.1440	Labeling and Storage of Medications
134	350.1450	Control of Medications

135

## 136 SUBPART H: RESIDENT AND FACILITY RECORDS

137

### 138 Section

139	350.1610	Resident Record Requirements
140	350.1620	Content of Medical Records
141	350.1630	Confidentiality of Resident's Records
142	350.1640	Records Pertaining to Residents' Property
143	350.1650	Retention and Transfer of Resident Records
144	350.1660	Other Resident Record Requirements
145	350.1670	Staff Responsibility for Medical Records
146	350.1680	Retention of Facility Records
147	350.1690	Other Facility Record Requirements

148

## 149 SUBPART I: FOOD SERVICE

150

### 151 Section

152	350.1810	Director of Food Services
153	350.1820	Dietary Staff in Addition to Director of Food Services
154	350.1830	Hygiene of Dietary Staff
155	350.1840	Diet Orders
156	350.1850	Meal Planning
157	350.1860	Therapeutic Diets (Repealed)
158	350.1870	Scheduling Meals
159	350.1880	Menus and Food Records
160	350.1890	Food Preparation and Service
161	350.1900	Food Handling Sanitation
162	350.1910	Kitchen Equipment, Utensils, and Supplies

163

## 164 SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

165

### 166 Section

167	350.2010	Maintenance
168	350.2020	Housekeeping
169	350.2030	Laundry Services

170

## 171 SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

172

173 Section  
 174 350.2210 Furnishings  
 175 350.2220 Equipment and Supplies  
 176

177 SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL  
 178

179 Section  
 180 350.2410 Codes  
 181 350.2420 Water Supply  
 182 350.2430 Sewage Disposal  
 183 350.2440 Plumbing  
 184

185 SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE  
 186 FACILITIES FOR THE DEVELOPMENTALLY DISABLED  
 187

188 Section  
 189 350.2610 Applicability of These Standards  
 190 350.2620 Codes and Standards  
 191 350.2630 Preparation of Drawings and Specifications  
 192 350.2640 Site  
 193 350.2650 Administration and Public Areas  
 194 350.2660 Nursing Unit  
 195 350.2670 Dining, Living, Activities Rooms  
 196 350.2680 Therapy and Personal Care  
 197 350.2690 Service Departments  
 198 350.2700 General Building Requirements  
 199 350.2710 Structural  
 200 350.2720 Mechanical Systems  
 201 350.2730 Plumbing Systems  
 202 350.2740 Electrical Systems  
 203

204 SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE  
 205 FACILITIES FOR THE DEVELOPMENTALLY DISABLED  
 206

207 Section  
 208 350.2910 Applicability  
 209 350.2920 Codes and Standards  
 210 350.2930 Preparation of Drawings and Specifications  
 211 350.2940 Site  
 212 350.2950 Administration and Public Areas  
 213 350.2960 Nursing Unit  
 214 350.2970 Living, Dining, Activities Rooms  
 215 350.2980 Treatment and Personal Care

216	350.2990	Service Department
217	350.3000	General Building Requirements
218	350.3010	Structural
219	350.3020	Mechanical Systems
220	350.3030	Plumbing Systems
221	350.3040	Electrical Requirements

222

## 223 SUBPART O: RESIDENT'S RIGHTS

224

### 225 Section

226	350.3210	General
227	350.3220	Medical and Personal Care Program
228	350.3230	Restraints (Repealed)
229	350.3240	Abuse and Neglect
230	350.3250	Communication and Visitation
231	350.3260	Resident's Funds
232	350.3270	Residents' Advisory Council
233	350.3280	Contract With Facility
234	350.3290	Private Right of Action
235	350.3300	Transfer or Discharge
236	350.3310	Complaint Procedures
237	350.3320	Confidentiality
238	350.3330	Facility Implementation

239

## 240 SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR 241 THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

242

### 243 Section

244	350.3710	Applicability of Other Provisions of this Part
245	350.3720	Administration
246	350.3730	Admission and Discharge Policies
247	350.3740	Personnel
248	350.3750	Consultation Services and Nursing Services
249	350.3760	Medication Policies
250	350.3770	Food Services
251	350.3780	Codes and Standards
252	350.3790	Administration and Public Areas
253	350.3800	Bedrooms
254	350.3810	Nurses Station
255	350.3820	Bath and Toilet Rooms
256	350.3830	Utility Rooms
257	350.3840	Living, Dining, Activity Rooms
258	350.3850	Therapy and Personal Care

259	350.3860	Kitchen
260	350.3870	Laundry Room
261	350.3880	General Building Requirements
262	350.3890	Corridors
263	350.3900	Special Care Room
264	350.3910	Exit Facilities and Subdivision of Floor Areas
265	350.3920	Stairways, Vertical Openings and Doorways
266	350.3930	Hazardous Areas and Combustible Storage
267	350.3940	Mechanical Systems
268	350.3950	Heating, Cooling, and Ventilating Systems
269	350.3960	Plumbing Systems
270	350.3970	Electrical Systems
271	350.3980	Fire Alarm and Detection System
272	350.3990	Emergency Electrical System
273	350.4000	Fire Protection
274	350.4010	Construction Types
275	350.4020	Equivalencies
276	350.4030	New Construction Requirements

## SUBPART Q: DAY CARE PROGRAMS

277		
278		
279		
280	Section	
281	350.4210	Day Care in Long-Term Care Facilities
282		
283	350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service
284		(Repealed)
285	350.APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
286	350.APPENDIX C	Seismic Zone Map (Repealed)
287	350.APPENDIX D	Forms For Day Care in Long-Term Care Facilities
288	350.APPENDIX E	Guidelines for the Use of Various Drugs
289	350.TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for
290		the Developmentally Disabled
291	350.TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New
292		Intermediate Care Facilities for the Developmentally Disabled
293	350.TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate
294		Care Facilities for the Developmentally Disabled
295	350.TABLE D	Food Service Sanitation Rules, 77 Illinois Admin. Code 750, 1983
296		Applicable for New Intermediate Care Facilities for the Developmentally
297		Disabled of 16 Beds or Less
298	350.TABLE E	Construction Types and Sprinkler Requirements for New Intermediate
299		Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or
300		Less
301	350.TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the ID/DD Community Care Act [210 ILCS 47].

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 of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill.



Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2238, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5924, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14237, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15924, effective September 25, 2003; amended at 27 Ill. Reg. 18160, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3552, effective November 15, 2003; amended at 28 Ill. Reg. 7653, effective May 24, 2004; amended at 28 Ill. Reg. 11217, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11971, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15247, effective September 23, 2005, for the remainder of the maximum 150 days; emergency expired December 8, 2005; amended at 29 Ill. Reg. 12954, effective August 2, 2005; amended at 30 Ill. Reg. 1460, effective January 23, 2006; amended at 30 Ill. Reg. 5338, effective March 2, 2006; amended at 30 Ill. Reg. 13876, effective August 7, 2006; amended at 31 Ill. Reg. 6119, effective April 3, 2007; amended at 31 Ill. Reg. 8850, effective June 6, 2007; amended at 33 Ill. Reg. 9393, effective June 17, 2009; amended at 34 Ill. Reg. 19224, effective November 23, 2010; amended at 35 Ill. Reg. 3461, effective February 14, 2011; amended at 39 Ill. Reg. 5490, effective March 25, 2015; amended at 42 Ill. Reg. 7950, effective April 30, 2018; emergency amendment at 44 Ill. Reg. 8555, effective May 5, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16298, effective September 15, 2020, for the remainder of the 150 days; emergency rule as amended expired October 1, 2020; emergency amendment at 44 Ill. Reg. 16908, effective October 2, 2020, for a maximum of 150 days; emergency expired February 28, 2021; emergency amendment at 44 Ill. Reg. 19012, effective November 19, 2020, for a maximum of 150 days; emergency expired April 17, 2021; emergency amendment at 45 Ill. Reg. 435, effective December 18, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 2108, effective January 27, 2021, for the remainder of the 150 days; emergency rule as amended expired May 16, 2021; emergency amendment at 45 Ill. Reg. 3060, effective March 1, 2021, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 45 Ill. Reg. 10102, effective July 25, 2021; emergency amendment at 45 Ill. Reg. 5594, effective April 18, 2021, for a maximum of 150 days; emergency rule expired September 14, 2021; emergency amendment at 45 Ill. Reg. 6729, effective May 17, 2021, for a maximum of 150 days; emergency expired October 13, 2021; emergency amendment at 45 Ill. Reg. 12012, effective September 15, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 14616, effective November 5, 2021, for the remainder of the 150 days; emergency expired February 11, 2022; emergency amendment at 45 Ill. Reg. 13735, effective October 14, 2021, for a maximum of 150 days; emergency expired March 12, 2022; emergency amendment at 46 Ill. Reg. 3315, effective February 12, 2022, for a maximum of 150 days; emergency expired July 11, 2022; emergency amendment at 46 Ill. Reg. 5367, effective March 13, 2022, for a maximum of 150 days; emergency expired August 9, 2022; amended at 46 Ill. Reg. 10519, effective June 2, 2022;

emergency amendment at 46 Ill. Reg. 13451, effective July 15, 2022, for a maximum of 150 days; emergency expired December 11, 2022; emergency amendment to emergency rule at 46 Ill. Reg. 16467, effective September 19, 2022, for the remainder of the 150 days; emergency expired December 11, 2022; emergency amendment to emergency rule at 46 Ill. Reg. 18279, effective October 31, 2022, for the remainder of the 150 days; emergency expired December 11, 2022; emergency amendment at 46 Ill. Reg. 20313, effective December 12, 2022, for a maximum of 150 days; emergency expired May 10, 2023; amended at 47 Ill. Reg. 14492, effective September 26, 2023; amended at 48 Ill. Reg. 2546, effective January 30, 2024; amended at 48 Ill. Reg. 14720, effective September 25, 2024; Subchapter c recodified at 49 Ill. Reg. 2552; amended at 49 Ill. Reg. 7038, effective April 30, 2025; amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

### Section 350.340 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:
  - 1) Private and professional association standards:
    - A) ANSI/ASME Standard A17.1 – 2007, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers (ASME) International, 22 Law Drive, Box 2900, Fairfield, NJ 07007-2900.
    - B) ANSI/ASHRAE/ASHE Standard 170-2008, Ventilation of Health Care Facilities, which may be accessed at:  
[https://www.ashrae.org/File%20Library/Technical%20Resources/Standards%20and%20Guidelines/Standards%20Addenda/170-2008/ad170\\_2008\\_d.pdf](https://www.ashrae.org/File%20Library/Technical%20Resources/Standards%20and%20Guidelines/Standards%20Addenda/170-2008/ad170_2008_d.pdf).
    - C) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2009), and Handbook of Applications (2007), which may be obtained from the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329.
    - D) American Society for Testing and Materials (ASTM), Standard E90-09 (2009): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, and Standard No. E84-08a, Standard Test Method for Surface Burning Characteristics of Building Materials (2010), which may be obtained from ASTM International, 100

Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA  
19428-2959.

- E) International Building Code (IBC) (2012), which may be obtained from the International Code Council (ICC), 4051 W. Flossmoor Road, Country Club Hills, IL 60478-5795.
- F) For existing facilities (see Subpart N), National Fire Protection Association (NFPA) 101: Life Safety Code (2012), and the following standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169:
  - i) NFPA 10 (2010): Standard for Portable Fire Extinguishers
  - ii) NFPA 13 (2010): Standards for the Installation of Sprinkler Systems
  - iii) NFPA 54 (2012): National Fuel Gas Code
  - iv) NFPA 70 (2011): National Electrical Code
  - v) NFPA 90A (2012): Standards for the Installation of Air Conditioning and Ventilating Systems
  - vi) NFPA 96 (2011): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
  - vii) NFPA 99 (2012): Health Care Facilities Code
  - viii) NFPA 101A (2013): Guide on Alternative Approaches to Life Safety
  - ix) NFPA 220 (2012): Standard on Types of Building Construction
  - x) NFPA 253 (2011): Standard Method of Test for Critical Radiant Flux of Floor Covering Systems using a Radiant Heat Energy Source
- G) For new facilities (see Subpart M), the following standards of the NFPA 101 (2012) and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169:

- i) NFPA 10 (2010): Standard for Portable Fire Extinguishers
    - ii) NFPA 13 (2010): Standard for the Installation of Sprinkler Systems
    - iii) NFPA 54 (2010): National Fuel Gas Code
    - iv) NFPA 70 (2011): National Electrical Code
    - v) NFPA 90A (2012): Standard for the Installation of Air Conditioning and Ventilating Systems
    - vi) NFPA 96 (2011): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
    - vii) NFPA 99 (2011): Health Care Facilities Code
    - viii) NFPA 220 (2012): Standard on Types of Building Construction
    - ix) NFPA 253 (2011): Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source
  - H) Underwriters Laboratories, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, IL 60062:
    - i) Fire Resistance Directory (2014 Edition)
    - ii) Building Material Directory (2014 Edition)
  - I) American College of Obstetricians and Gynecologists, Guidelines for Women's Health Care, Fourth Edition (2014), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, GA 31193-3104 (800-762-2264). (See Section 350.3220.)
- 2) Federal regulations and guidelines:
- A) 21 CFR 1306, Prescriptions (April 1, 2024)

- B) 42 CFR 483.440(c), Conditions of Participation: Active Treatment Services (October 1, 2024)
- C) 45 CFR 46, Protection of Human Subjects (October 1, 2024)
- D) The following guidelines and toolkits of the Centers for Disease Control and Prevention, United States Public Health Service, and Department of Health and Human Services:
- i) Guideline for Prevention of Catheter-Associated Urinary Tract Infections, 2009 (June 6, 2019), available at: <https://www.cdc.gov/infection-control/media/pdfs/Guideline-CAUTI-H.pdf>
  - ii) Guideline for Hand Hygiene in Health-Care Settings (October 25, 2002), available at: <https://www.cdc.gov/infection-control/media/pdfs/Guideline-Hand-Hygiene-P.pdf>
  - iii) Guidelines for Prevention of Intravascular Catheter-Related Infections, 2011 (October 2017), available at: <https://www.cdc.gov/infection-control/media/pdfs/Guideline-BSI-H.pdf>
  - iv) Guideline for Prevention of Surgical Site Infection (August 2017), available at: <https://jamanetwork.com/journals/jamasurgery/fullarticle/2623725>
  - v) Guidelines for Prevention of Healthcare Associated Pneumonia, 2003 (April 12, 2004), available at: <https://www.cdc.gov/infection-control/media/pdfs/Guideline-Healthcare-Associated-Pneumonia-H.pdf>
  - vi) 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings (September, 2024), available at: <https://www.cdc.gov/infection-control/media/pdfs/guideline-isolation-h.pdf?CDC%20%20Aref%20%20Val=https://www.cdc.gov/infection->

~~control/media/pdfs/guideline-isolation-h.pdf?CDC\_AAref\_Val=~~

vii) Infection Control in Healthcare Personnel: Infrastructure and Routine Practices for Occupational Infection Prevention and Control Services (October 25, 2019), available at: <https://www.cdc.gov/infection-control/media/pdfs/Guideline-Infection-Control-HCP-H.pdf> ~~https://www.cdc.gov/infection-control/media/pdfs/guideline-infection-control-hep-h./pdf?CDC\_AAref\_Val=~~

viii) Infection Control in Healthcare Personnel: Epidemiology and Control of Selected Infections Transmitted Among Healthcare Personnel and Patients (October 22, 2024), available at: <https://www.cdc.gov/infection-control/media/pdfs/Guideline-IC-HCP-H.pdf>

b) 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.

c) The following statutes and State regulations are referenced in this Part:

1) Federal statutes:

A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)

B) Social Security Act (42 U.S.C. 301 et seq., 1935 et seq. and 1936 et seq.)

C) Controlled Substances Act (21 U.S.C. 802)

2) State of Illinois statutes:

A) Substance Use Disorder Act [20 ILCS 301]

B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]

C) Child Care Act of 1969 [225 ILCS 10]

D) Court of Claims Act [705 ILCS 505]

- E) Illinois Dental Practice Act [225 ILCS 25]
- F) Election Code [10 ILCS 5]
- G) Freedom of Information Act [5 ILCS 140]
- H) General Not For Profit Corporation Act of 1986 [805 ILCS 105]
- I) Illinois Health Facilities Planning Act [20 ILCS 3960]
- J) Hospital Licensing Act [210 ILCS 85]
- K) Illinois Municipal Code [65 ILCS 5]
- L) Illinois Controlled Substances Act [720 ILCS 570]
- M) Life Care Facilities Act [210 ILCS 40]
- N) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
- O) Medical Practice Act of 1987 [225 ILCS 60]
- P) Mental Health and Developmental Disabilities Code [405 ILCS 5]
- Q) Nurse Practice Act [225 ILCS 65]
- R) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
- S) ID/DD Community Care Act [210 ILCS 47]
- T) Illinois Occupational Therapy Practice Act [225 ILCS 75]
- U) Pharmacy Practice Act [225 ILCS 85]
- V) Illinois Physical Therapy Act [225 ILCS 90]
- W) Private Sewage Disposal Licensing Act [225 ILCS 225]
- X) Probate Act of 1975 [755 ILCS 5]

645 Y) Illinois Public Aid Code [305 ILCS 5]  
646  
647 Z) Safety Glazing Materials Act [430 ILCS 60]  
648  
649 AA) Illinois Administrative Procedure Act [5 ILCS 100]  
650  
651 BB) Clinical Psychologist Licensing Act [225 ILCS 15]  
652  
653 CC) Dietitian Nutritionist Practice Act [225 ILCS 30]  
654  
655 DD) Health Care Worker Background Check Act [225 ILCS 46]  
656  
657 EE) Clinical Social Work and Social Work Practice Act [225 ILCS 20]  
658  
659 FF) Illinois Living Will Act [755 ILCS 35]  
660  
661 GG) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]  
662  
663 HH) Health Care Surrogate Act [755 ILCS 40]  
664  
665 II) Health Care Right of Conscience Act [745 ILCS 70]  
666  
667 JJ) Abused and Neglected Long-Term Care Facility Residents  
668 Reporting Act [210 ILCS 30]  
669  
670 KK) Supportive Residences Licensing Act [210 ILCS 65]  
671  
672 LL) Community Living Facilities Licensing Act [210 ILCS 35]  
673  
674 MM) Community-Integrated Living Arrangements Licensure and  
675 Certification Act [210 ILCS 135]  
676  
677 NN) Counties Code [55 ILCS 5]  
678  
679 OO) Illinois Act on the Aging [20 ILCS 105]  
680  
681 PP) Speech-Language Pathology and Audiology Practice Act [225  
682 ILCS 110]  
683  
684 QQ) Assisted Living and Shared Housing Act [210 ILCS 9]  
685  
686 RR) Alternative Health Care Delivery Act [210 ILCS 3]  
687



- SS) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
  - TT) Physician Assistant Practice Act of 1987 [225 ILCS 95]
  - UU) Language Assistance Services Act [210 ILCS 87]
  - VV) MC/DD Act [210 ILCS 46]
  - WW) Authorized Electronic Monitoring in Long-Term Care Facilities Act [210 ILCS 32]
  - XX) Illinois Emergency Management Agency Act [20 ILCS 3305]
  - YY) Latex Glove Ban Act [410 ILCS 180]
  - ZZ) Essential Support Person Act [210 ILCS 175]
- 3) State of Illinois rules:
- A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
  - B) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
  - C) Department of Public Health:
    - i) Control of Notifiable Diseases and Conditions Code (77 Ill. Adm. Code 690)
    - ii) Control of Sexually Transmissible Infections Code (77 Ill. Adm. Code 693)
    - iii) Food Code (77 Ill. Adm. Code 750)
    - iv) Illinois Plumbing Code (77 Ill. Adm. Code 890)
    - v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
    - vi) Drinking Water Systems Code (77 Ill. Adm. Code 900)
    - vii) Water Well Construction Code (77 Ill. Adm. Code 920)

- viii) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
- ix) Access to Records of the Department of Public Health (2 Ill. Adm. Code 1127)
- x) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- xi) Medically Complex for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 390)
- xii) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
- xiii) Control of Tuberculosis Code (77 Ill. Adm. Code 696)
- xiv) Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
- xv) Language Assistance Services Code (77 Ill. Adm. Code 940)
- xvi) Collection, Disclosure and Confidentiality of Health Statistics; Institutional Review Board (77 Ill. Adm. Code 1005)
- xvii) Authorized Electronic Monitoring in Long Term Care Facilities Code (77 Ill. Adm. Code 389)
- xviii) Essential Support Person Code (77 Ill. Adm. Code 50)

D) Department of Financial and Professional Regulation:

- i) Illinois Controlled Substances Act (77 Ill. Adm. Code 3100)
- ii) Pharmacy Practice Act (68 Ill. Adm. Code 1330)

E) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)

F) Department of Natural Resources, Regulation of Construction

within Flood Plains (17 Ill. Adm. Code 3706)

G) Department of Healthcare and Family Services:

i) Medical Payment (89 Ill. Adm. Code 140)

ii) Crisis Assistance (89 Ill. Adm. Code 116)

iii) Developmental Disabilities Services (89 Ill. Adm. Code 144)

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

SUBPART C: POLICIES

**Section 350.625 Determination of Need Screening and Request for Resident Criminal History Record Information**

- a) For the purpose of this Section only, a facility is any 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 18 or older seeking admission to a facility must be screened to determine the need for 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 rules of the Department of Healthcare and Family Services titled Medical Payment 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 active treatment 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 for facility services 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 of Human Services is responsible for the screening required in subsection (b) 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 or its designee is responsible for the screening required in subsection (c).

- 817 e) *In addition to the screening required by Section 2-201.5(a) of the Act and this*  
818 *Section, a facility shall, within 24 hours after admission of a resident, request a*  
819 *criminal history background check pursuant to the Uniform Conviction*  
820 *Information Act for all persons age 18 or older seeking admission to the facility.*  
821 *Background checks shall be based on the resident's name, date of birth, and other*  
822 *identifiers as required by the Illinois~~Department of~~ State Police. (Section 2-*  
823 *201.5(b) of the Act)*  
824  
825 f) The facility shall check for the individual's name on the Illinois Sex Offender  
826 Registration website at [www.isp.state.il.us](http://www.isp.state.il.us) and the Illinois Department of  
827 Corrections sex registrant search page at  
828 [www.illinois.gov/idoc/Pages/default.aspx](http://www.illinois.gov/idoc/Pages/default.aspx) to determine if the individual is listed  
829 as a registered sex offender. In addition, the facility shall check the National Sex  
830 Offender Public Website at NSOPW.Gov to determine if the individual is listed  
831 on the national registry as a sex offender.  
832  
833 g) *If the results of the background check are inconclusive, the facility shall initiate a*  
834 *fingerprint-based check, unless the fingerprint check is waived by the Director of*  
835 *Public Health based on verification by the facility that the resident is completely*  
836 *immobile or that the resident meets other criteria related to the resident's health*  
837 *or lack of potential risk, such as the existence of a severe, debilitating physical,*  
838 *medical, or mental condition that nullifies any potential risk presented by the*  
839 *resident. (Section 2-201.5(b) of the Act) The facility shall arrange for a*  
840 *fingerprint-based check or request a waiver from the Department within 5 days*  
841 *after receiving inconclusive results of a name-based background check. The*  
842 *fingerprint-based background check shall be conducted within 25 days after*  
843 *receiving the inconclusive results of the name-based check.*  
844  
845 h) *A waiver issued pursuant to Section 2-201.5(b) of the Act shall be valid only*  
846 *while the resident is immobile or while the criteria supporting the waiver exist.*  
847 *(Section 2-201.5(b) of the Act)*  
848  
849 i) *The facility shall provide for or arrange for any required fingerprint-based*  
850 *checks. If a fingerprint-based check is required, the facility shall arrange for it to*  
851 *be conducted in a manner that is respectful of the resident's dignity and that*  
852 *minimizes any emotional or physical hardship to the resident. (Section 2-*  
853 *201.5(b) of the Act) If a facility is unable to conduct a fingerprint-based*  
854 *background check in compliance with this Section, then it shall provide*  
855 *conclusive evidence of the resident's immobility or risk nullification of the waiver*  
856 *issued pursuant to Section 2-201.5(b) of the Act.*  
857  
858 j) The facility shall be responsible for taking all steps necessary to ensure the safety  
859 of residents while the results of a name-based background check or a fingerprint-

based background check are pending; while the results of a request for waiver of a fingerprint-based check are pending; and/or while the Identified Offender Report and Recommendation is pending.

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

**Section 350.765 Essential Support Persons**

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

(Source: Added at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)