**Section 270.105 Definitions**

"Act" means the Illinois Act on the Aging [20 ILCS 105].

"AAA" or *"Area Agency on Aging" means any public or non-profit private agency in a planning and service area designated by the Department, which is eligible for funds available under the Older Americans Act* (42 USC 3001 et seq.) *and other funds made available by the State of Illinois or the federal government.* (Section 3.07 of the Act)

"Assisted living establishment"or "assisted living" has the same meaning given the term in Section 10 of the Assisted Living and Shared Housing Act [210 ILCS 9/10].

"Authorized representative" means a person properly delegated or designated to exercise decision-making authority on behalf of another person, including, but not limited to, guardians of the estate (whether temporary or permanent), guardians of the person (whether temporary or permanent), conservator, agents appointed under a power of attorney (whether durable or not), health care surrogate decision-makers designated under the Health Care Surrogate Act [775 ILCS 401], and representative payees, including those appointed by the Social Security Administration or the Railroad Retirement Board pursuant to federal law (see 45 CFR 1324.1).

"Certification" means the process by which an individual who meets minimum qualifications is free of conflicts of interest and has successfully completed training and other requirements of this Part. Certification authorizes the individual to act as a representative of the Office.

"Complaint" means a concern or allegation regarding action, inaction or decisions that may adversely affect, or has adversely affected, the health, safety, welfare or rights of one or more residents or participants that is brought to the attention of, or initiated by, the Ombudsman for action.

"Complainant" means anyone who contacts an Ombudsman for assistance who has personal knowledge of an action, inaction or decision that may affect the health, safety, welfare or rights of one or more residents or participants.

*"Community-based setting" means any place of abode other than an individual's private home.* (Section 4.04(b)(2.8) of the Act)

"Conflict of interest" means an individual or organizational competing interest, obligation, or duty that compromises, influences or interferes with (or gives the appearance of compromising, influencing or interfering with) the integrity, activities or conduct of an Ombudsman, the Office, the Department, Area Agencies on Aging, or provider agencies in faithfully and effectively fulfilling their, his or her official duties.

*"Department" means the Illinois Department on Aging.*(Section 3.01 of the Act)

"Designation" means the authorization by the State Ombudsman of an entity, such as a provider agency, to host a Regional Program in a planning and service area or specified geographic area.

"Home Care Ombudsman Program" means either a subdivision of the Office or an agency designated by the State Long-Term Care Ombudsman as a subdivision of the Office and any Ombudsman housed within that agency that provides advocacy services to participants. Home Care Ombudsmen are representatives of the Office.

"Immediate family" means a member of the household or a relative with whom there is a close personal or significant financial relationship. (See 45 CFR 1324.1.)

*"Long-term care facility" means any facility as defined by Section 1-113 of the Nursing Home Care Act* [210 ILCS 45]*; any skilled nursing facility or a nursing facility that meets the requirements of section 1819(a), (b), (c) and (d) or section 1919(a), (b), (c) and (d) of the Social Security Act, as now or hereafter amended (42 USC 1395i-3(a), (b), (c) and (d) and 1396r(a), (b), (c) and (d))*; any facility as defined by the ID/DD Community Care Act [210 ILCS 47/1-113]; any facility as defined by the MC/DD Act [210 ILCS 46/1-113]; any facility licensed under the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49/4-105 or 4-201]; any assisted living establishment and shared housing establishment as defined by the Assisted Living and Shared Housing Act [210 ILCS 9/10]; and any supportive living facility established under the Illinois Public Aid Code [305 ILCS 5/5-5.01]. (Section 4.04(b)(2) of the Act)

"Managed care organization" or "MCO" means an organization licensed and approved by the Illinois Department of Healthcare and Family Services to provide care coordination and other services to older persons and persons with disabilities in the State of Illinois.

"Medical assistance waiver" means a waiver approved by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services, and administered by the State of Illinois pursuant to section 1915(c) of the Social Security Act and other related authority.

"Monitoring tool" means a survey and questions developed by the Office to provide review and oversight for a Regional Program.

"Office" means the Office of the State Long-Term Care Ombudsman as established by the Department that is the distinct, separately identifiable organizational unit headed by the State Long-Term Care Ombudsman (see 45 CFR 1324.1).

"*Ombudsman*" or "representative of the Office" *means any designated representative of the State Long-Term Care Ombudsman Program; provided that the representative, whether he* or she *is paid for or volunteers his* or her *ombudsman services, shall be qualified and* certified *by the Office to perform the duties of an Ombudsman as specified by the Department in rules and in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended* (Section 4.04(b)(3.1) of the Act). The term also means the certified individuals who fulfill the duties of the Office, whether the personnel supervision is provided by the State Ombudsman or by a provider agency hosting a Regional Program or Home Care Ombudsman Program. (See 45 CFR 1324.1.)

*"Participant" means an older person aged 60 or over or an adult with a disability aged 18 through 59 who is eligible for services under* a medical assistance waiver administered by the State of Illinois or a person receiving care coordination and other services by a managed care organization. (Section 4.04(b)(4) of the Act)

"Program" means the State Long-Term Care Ombudsman Program through which the functions and duties of the Office are carried out, consisting of the State Ombudsman, the Office headed by the State Ombudsman, and the representatives of the Office. (See 45 CFR 1324.1.)

"Program records" means the confidential files and records created by an Ombudsman while carrying out his or her official duties.

"Provider agency" means the Regional Program provider entity designated by the State Long-Term Care Ombudsman to operate a Regional Program in a planning and service area or a specified geographic area.

"Regional Long-Term Care Ombudsman Program" or "Regional Program" means the entity designated by the State Long-Term Care Ombudsman as a division of the Office.

"Regional Ombudsman" means a certified Ombudsman who works full-time to perform Ombudsman functions exclusively and who shall have no duties in the provider agency outside the scope of the Regional Program.

"Representative" means an authorized representative or any person who is knowledgeable about a resident's or participant's circumstances and has been designated by that resident or participant, in writing, or through a documented verbal request or through the use of auxiliary aids, to represent him or her.

"Resident" means *an older person aged 60 or over or an adult with a disability aged 18 through 59 who is a current resident of a long*-*term care facility*, a former resident, or a deceased resident. (Section 4.04(b)(5) of the Act) Complaints concerning a deceased resident are limited to systemic issues.

*"Shared housing establishment"* has the same meaning given that term in Section 10 of the Assisted Living and Shared Housing Act [210 ILCS 9].

"State Long-Term Care Ombudsman" or "State Ombudsman" *means any person employed by the Department to fulfill the requirements of the Office of State Long*-*Term Care Ombudsman as required under the Older Americans Act of 1965, as now or hereafter amended, and Departmental policy* (Section 4.04(b)(3) of the Act)*.* The term also means the individual who heads the Office and is responsible for personally, or through representatives of the Office, fulfilling the functions, responsibilities and duties set forth in federal regulations. (See 45 CFR 1324.1.)

"Willful interference" means actions or inactions taken by an individual in an attempt to intentionally prevent, interfere with, or attempt to impede the Ombudsman from performing any of the functions, responsibilities or duties of the Ombudsman. (See 45 CFR 1324.1.)

(Source: Amended at 43 Ill. Reg. 980, effective January 1, 2019)