# DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

**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

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>350.2</td>
<td>COVID-19 Emergency Provisions for Licenses and Inspections</td>
</tr>
<tr>
<td>350.110</td>
<td>General Requirements</td>
</tr>
<tr>
<td>350.120</td>
<td>Application for License</td>
</tr>
<tr>
<td>350.130</td>
<td>Licensee</td>
</tr>
<tr>
<td>350.140</td>
<td>Issuance of an Initial License for a New Facility</td>
</tr>
<tr>
<td>350.150</td>
<td>Issuance of an Initial License Due to a Change of Ownership</td>
</tr>
<tr>
<td>350.160</td>
<td>Issuance of a Renewal License</td>
</tr>
<tr>
<td>350.165</td>
<td>Criteria for Adverse Licensure Actions</td>
</tr>
<tr>
<td>350.170</td>
<td>Denial of Initial License</td>
</tr>
<tr>
<td>350.175</td>
<td>Denial of Renewal of License</td>
</tr>
<tr>
<td>350.180</td>
<td>Revocation of License</td>
</tr>
<tr>
<td>350.190</td>
<td>Experimental Program Conflicting With Requirements</td>
</tr>
<tr>
<td>350.200</td>
<td>Inspections, Surveys, Evaluations and Consultation</td>
</tr>
<tr>
<td>350.210</td>
<td>Filing an Annual Attested Financial Statement</td>
</tr>
<tr>
<td>350.220</td>
<td>Information to Be Made Available to the Public By the Department</td>
</tr>
<tr>
<td>350.230</td>
<td>Information to Be Made Available to the Public By the Licensee</td>
</tr>
<tr>
<td>350.240</td>
<td>Municipal Licensing</td>
</tr>
<tr>
<td>350.250</td>
<td>Ownership Disclosure</td>
</tr>
<tr>
<td>350.260</td>
<td>Issuance of Conditional Licenses</td>
</tr>
<tr>
<td>350.270</td>
<td>Monitor and Receivership</td>
</tr>
<tr>
<td>350.271</td>
<td>Presentation of Findings</td>
</tr>
<tr>
<td>350.272</td>
<td>Determination to Issue a Notice of Violation or Administrative Warning</td>
</tr>
<tr>
<td>350.274</td>
<td>Determination of the Level of a Violation</td>
</tr>
<tr>
<td>350.276</td>
<td>Notice of Violation</td>
</tr>
<tr>
<td>350.277</td>
<td>Administrative Warning</td>
</tr>
<tr>
<td>350.278</td>
<td>Plans of Correction</td>
</tr>
<tr>
<td>350.280</td>
<td>Reports of Correction</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

350.282 Conditions for Assessment of Penalties
350.284 Calculation of Penalties
350.286 Determination to Assess Penalties
350.288 Reduction or Waiver of Penalties
350.290 Quarterly List of Violators (Repealed)
350.300 Alcoholism Treatment Programs In Long-Term Care Facilities
350.310 Department May Survey Facilities Formerly Licensed
350.315 Supported Congregate Living Arrangement Demonstration
350.320 Waivers
350.330 Definitions
350.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section
350.510 Administrator

SUBPART C: POLICIES

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

NOTICE OF EMERGENCY AMENDMENTS

350.690 Disaster Preparedness
350.700 Incidents and Accidents
350.750 Contacting Local Law Enforcement
350.760 Infection Control

SUBPART D: PERSONNEL

Section
350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies (Repealed)

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
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

350.1260 Vaccinations

SUBPART G: MEDICATIONS

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

SUBPART H: RESIDENT AND FACILITY RECORDS

Section
350.1610 Resident Record Requirements
350.1620 Content of Medical Records
350.1630 Confidentiality of Resident's Records
350.1640 Records Pertaining to Residents' Property
350.1650 Retention and Transfer of Resident Records
350.1660 Other Resident Record Requirements
350.1670 Staff Responsibility for Medical Records
350.1680 Retention of Facility Records
350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section
350.1810 Director of Food Services
350.1820 Dietary Staff in Addition to Director of Food Services
350.1830 Hygiene of Dietary Staff
350.1840 Diet Orders
350.1850 Meal Planning
350.1860 Therapeutic Diets (Repealed)
350.1870 Scheduling Meals
350.1880 Menus and Food Records
350.1890 Food Preparation and Service
350.1900 Food Handling Sanitation
350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section
350.2010 Maintenance
350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
350.2210 Furnishings
350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section
350.2410 Codes
350.2420 Water Supply
350.2430 Sewage Disposal
350.2440 Plumbing

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

Section
350.2610 Applicability of These Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
350.2720 Mechanical Systems
350.2730 Plumbing Systems
350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section
350.2910  Applicability
350.2920  Codes and Standards
350.2930  Preparation of Drawings and Specifications
350.2940  Site
350.2950  Administration and Public Areas
350.2960  Nursing Unit
350.2970  Living, Dining, Activities Rooms
350.2980  Treatment and Personal Care
350.2990  Service Department
350.3000  General Building Requirements
350.3010  Structural
350.3020  Mechanical Systems
350.3030  Plumbing Systems
350.3040  Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section
350.3210  General
350.3220  Medical and Personal Care Program
350.3230  Restraints (Repealed)
350.3240  Abuse and Neglect
350.3250  Communication and Visitation
350.3260  Resident's Funds
350.3270  Residents' Advisory Council
350.3280  Contract With Facility
350.3290  Private Right of Action
350.3300  Transfer or Discharge
350.3310  Complaint Procedures
350.3320  Confidentiality
350.3330  Facility Implementation

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

Section
350.3710  Applicability of Other Provisions of this Part
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

350.3720 Administration
350.3730 Admission and Discharge Policies
350.3740 Personnel
350.3750 Consultation Services and Nursing Services
350.3760 Medication Policies
350.3770 Food Services
350.3780 Codes and Standards
350.3790 Administration and Public Areas
350.3800 Bedrooms
350.3810 Nurses Station
350.3820 Bath and Toilet Rooms
350.3830 Utility Rooms
350.3840 Living, Dining, Activity Rooms
350.3850 Therapy and Personal Care
350.3860 Kitchen
350.3870 Laundry Room
350.3880 General Building Requirements
350.3890 Corridors
350.3900 Special Care Room
350.3910 Exit Facilities and Subdivision of Floor Areas
350.3920 Stairways, Vertical Openings and Doorways
350.3930 Hazardous Areas and Combustible Storage
350.3940 Mechanical Systems
350.3950 Heating, Cooling, and Ventilating Systems
350.3960 Plumbing Systems
350.3970 Electrical Systems
350.3980 Fire Alarm and Detection System
350.3990 Emergency Electrical System
350.4000 Fire Protection
350.4010 Construction Types
350.4020 Equivalencies
350.4030 New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section
350.4210 Day Care in Long-Term Care Facilities

350.APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

350.APPENDIX B  Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C  Seismic Zone Map
350.APPENDIX D  Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E  Guidelines for the Use of Various Drugs
350.TABLE A  Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B  Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C  Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE E  Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350.TABLE F  Heat Index Table/Apparent Temperature

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

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS


SUBPART A: GENERAL PROVISIONS


EMERGENCY

To address potential staffing shortages during the COVID-19 pandemic, the following provisions shall apply to this Part during the duration of Governor Pritzker’s Gubernatorial Disaster Proclamations issued in response to COVID-19:

a) Section 350.680(b)(2) is suspended only to the extent that it requires developmental disability aides, including those individuals working as direct support persons (DSPs) and habilitation aides, to complete a Department-approved training within 120 days after the date of initial employment. The requirement that developmental disability aides, including DPS and habilitation aides, successfully complete a Department-approved training program is not suspended.

b) Upon request by the Department or the facility’s Qualified Mental Retardation Professional (QMRP), individuals working as developmental disabilities aides, including DSPs or habilitation aides, shall demonstrate competency of the principles, techniques, and procedures of the direct support person training program curriculum described in the Direct Support Person Training Program (77 Ill. Adm. Code 395.320), which shall be observed and properly documented by the facility’s QMRP.

c) The facility shall maintain documentation of the determination of competency for individuals working as developmental disability aides, including DSPs and habilitation aides.

d) A facility shall continue to comply with all other requirements established by the Department in this Part.

(Source: Added by emergency rulemaking at 44 Ill. Reg. ______; effective ______________ for a maximum of 150 days)

Section 350.2 COVID-19 – Emergency Provisions for Licenses and Inspections
ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY

For the duration of the Gubernatorial Disaster Proclamations related to the COVID-19 public health emergency:

a) Section 350.140(b) and Section 350.150(f) regarding issuance of probationary licenses are suspended.

b) Section 350.140(c) and Section 350.150(g) regarding facility inspections prior to termination of a probationary license are suspended.

c) Section 350.200(a) regarding annual inspections is suspended.

d) The provision in Section 350.3310(f) regarding the 30-day timeframe for the initiation of an on-site investigation after receipt of a complaint unrelated to allegations of abuse and neglect is suspended.

e) In conducting on-site investigations and surveys, the Department will minimize the impact on facility activities, while ensuring facilities are implementing actions to protect the health and safety of residents, staff, and other individuals in response to the COVID-19 pandemic.

f) Section 350.3300(c)(1)(D) regarding the involuntary transfer or discharge of a resident due to late payment or nonpayment is suspended.

(Source: Added by emergency rulemaking at 44 Ill. Reg. _______ ; effective ____________ for a maximum of 150 days)