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 390
MEDICALLY COMPLEX FOR THE DEVELOPMENTALLY DISABLED FACILITIES
CODE

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AUTHORITY: Implementing and authorized by the MC/DD Act [210 ILCS 46].

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SUBPART A: GENERAL PROVISIONS

Section 390.1 COVID-19 Emergency Provisions

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 390.680(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 DSP 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 390.2 COVID-19 – Emergency Provisions for Licenses and Inspections**

**EMERGENCY**

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

a) Section 390.140(b) and Section 390.150(f) regarding issuance of probationary licenses are suspended.

b) Section 390.140(c) and Section 390.150(g) regarding facility inspections prior to termination of a probationary license are suspended.

c) Section 390.200(a) regarding annual inspections is suspended.
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   d) The provision in Section 390.3310(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 390.3300(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)