DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) <u>Code Citation</u>: 77 Ill. Adm. Code 300
- 3) <u>Section Number</u>: <u>Adopted Action</u>: 300.610 Amended
- 4) <u>Statutory Authority</u>: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Amendment:
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) <u>Does this rulemaking contain incorporations by reference</u>? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 3, 2012; 36 Ill. Reg. 12209
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference(s) between proposal and final version:

Various typographical, grammatical, and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- Summary and Purpose of Rulemaking: The Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300) regulates all aspects of resident care, including mandating that facilities draft policies and procedures governing resident care services provided by the facility.

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This rulemaking implements Public Act 96-0389, enacted by the General Assembly in 2009. PA 96-0389 mandates that facilities draft "a policy to identify, assess, and develop strategies to control risk of injury to residents and nurses" in the transferring and moving of residents.

16) <u>Information and questions regarding these adopted amendments shall be directed to:</u>

Susan Meister Division of Legal Services Department of Public Health 535 West Jefferson, 5th Floor Springfield, Illinois 62761

e-mail: dph.rules@illinois.gov

The full text of the adopted amendments begins on the next page:

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

PART 300 SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

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300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties (Repealed)
300.286	Notice of Penalty Assessment; Response by Facility

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300.287	Consideration of Factors for Assessing Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials
	SUBPART B: ADMINISTRATION
Section	
300.510	Administrator
	SUBPART C: POLICIES
Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening and Request for Resident Criminal History
	Record Information
300.620	Admission, Retention and Discharge Policies
300.624	Criminal History Background Checks for Persons Who Were Residents on May
	10, 2006 (Repealed)
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300.626	Discharge Planning for Identified Offenders
300.627	Transfer of an Identified Offender
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.651	Whistleblower Protection
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
300.662	Resident Attendants
300.663	Registry of Certified Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness
300.680	Restraints
300.682	Nonemergency Use of Physical Restraints

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300.684	Emergency Use of Physical Restraints
300.686	Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690	Incidents and Accidents
300.695	Contacting Local Law Enforcement
300.696	Infection Control
	SUBPART D: PERSONNEL
Section	
300.810	General
300.820	Categories of Personnel
300.830	Consultation Services
300.840	Personnel Policies
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300.1030	Medical Emergencies
300.1035	Life-Sustaining Treatments
300.1040	Care and Treatment of Sexual Assault Survivors
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	SUBPART F: NURSING AND PERSONAL CARE
Section	
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300.1630	Administration of Medication
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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

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300.2810	Applicability of these Standards
300.2820	Codes and Standards
300.2830	Preparation of Drawings and Specifications
300.2840	Site
300.2850	Administration and Public Areas
300.2860	Nursing Unit
300.2870	Dining, Living, Activities Rooms
300.2880	Therapy and Personal Care
300.2890	Service Departments
300.2900	General Building Requirements
300.2910	Structural
300.2920	Mechanical Systems
300.2930	Plumbing Systems
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SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

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300.3050	Administration and Public Areas
300.3060	Nursing Unit
300.3070	Living, Dining, Activities Rooms
300.3080	Treatment and Personal Care
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Restraints (Repealed)
Abuse and Neglect
Communication and Visitation
Resident's Funds
Residents' Advisory Council
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Private Right of Action
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Section	
300.3410	Application of Other Sections of These Minimum Standards (Repealed)

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300.3420	Administrator (Repealed)
300.3430	Policies (Repealed)
300.3440	Personnel (Repealed)
300.3450	Resident Living Services Medical and Dental Care (Repealed)
300.3460	Resident Services Program (Repealed)
300.3470	Psychological Services (Repealed)
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300.3500	Individual Treatment Plan (Repealed)
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300.3530	Dental Services (Repealed)
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300.3580	Nursing and Personal Care (Repealed)
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300.3600	Record Keeping (Repealed)
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300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
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300.3710 Day Care in Long-Term Care Facilities

SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

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300.4000	Applicability of Subpart S
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	Subject to Subpart S
300.4030	Individualized Treatment Plan for Residents with Serious Mental Illness Residing
	in Facilities Subject to Subpart S
300.4040	General Requirements for Facilities Subject to Subpart S
300.4050	Psychiatric Rehabilitation Services for Facilities Subject to Subpart S

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300.4060	Discharge Plans for Residents with Serious Mental Illness Residing in Facilities
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Section	
300.6000	Applicability of Subpart T
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300.6010	Comprehensive Assessments for Residents of Facilities Subject to Subpart T
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300.6030	Individualized Treatment Plan for Residents of Facilities Subject to Subpart T
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300.6045	Serious Incidents and Accidents in Facilities Subject to Subpart T
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300.6049	Emergency Use of Restraints for Facilities Subject to Subpart T
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300.6060	Discharge Plans for Residents of Facilities Subject to Subpart T
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300.6080	Community-Based Rehabilitation Programs for Residents of Facilities Subject to
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300.TABLE D)	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45]. SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 III. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective

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December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 III. Reg. 1052, effective December 24, 1987; amended at 12 III. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 III. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 III. Reg. 15855, effective September 25, 2003; amended at 27 III. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 III. Reg. 12852, effective August 2, 2005; amended at

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30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2,
2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813,
effective June 6, 2007; amended at 33 III. Reg. 9356, effective June 17, 2009; amended at 34 III.
Reg. 19182, effective November 23, 2010; amended at 35 Ill. Reg. 3378, effective February 14,
2011; amended at 35 Ill. Reg. 11419, effective June 29, 2011; expedited correction at 35 Ill. Reg.
17468, effective June 29, 2011; amended at 36 Ill. Reg. 14090, effective August 30, 2012;
amended at 37 Ill. Reg. 2298, effective February 4, 2013; amended at 37 Ill. Reg,
effective

SUBPART C: POLICIES

Section 300.610 Resident Care Policies

- a) The facility shall have written policies and procedures; governing all services provided by the facility. The written policies and procedures which shall be formulated by a Resident Care Policy Committee consisting of at least the administrator, the advisory physician or the medical advisory committee, and representatives of nursing and other services in the facility. The These policies shall complybe in compliance with the Act and this Partall rules promulgated thereunder. The These written policies shall be followed in operating the facility and shall be reviewed at least annually by this committee, documented as evidenced by written, signed and dated minutes of the such a meeting. (B)
- b) All <u>of</u> the information contained in the policies shall be available to the public, staff, <u>and</u> residents, and for review by <u>the</u> Department—personnel.
- c) The These written policies shall include, at a minimum the following provisions:
 - Admission, transfer, and discharge of residents, including categories of residents accepted and not accepted, residents that will be transferred or discharged, transfers within the facility from one room to another, and other types of transfers;
 - 2) Resident care services, including physician services, emergency services, personal care and nursing services, restorative services, activity services, pharmaceutical services, dietary services, social services, clinical records, dental services, and diagnostic <u>services</u> (including laboratory and x-ray): (B)
 - 3) <u>AThere shall also be a policy prohibiting blood transfusions, unless the</u>

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facility is hospital <u>based</u>connected and appropriate services are available in case of an adverse reaction to the transfusions; and. (B)

- 4) A policy to identify, assess, and develop strategies to control risk of injury to residents and nurses and other health care workers associated with the lifting, transferring, repositioning, or movement of a resident. The policy shall establish a process that, at a minimum, includes all of the following:
 - A) Analysis of the risk of injury to residents and nurses and other health care workers taking into account the resident handling needs of the resident populations served by the facility and the physical environment in which the resident handling and movement occurs;
 - B) Education of nurses in the identification, assessment, and control of risks of injury to residents and nurses and other health care workers during resident handling;
 - <u>C)</u> <u>Evaluation of alternative ways to reduce risks associated with resident handling, including evaluation of equipment and the environment;</u>
 - D) Restriction, to the extent feasible with existing equipment and aids, of manual resident handling or movement of all or most of a resident's weight, except for emergency, life-threatening, or otherwise exceptional circumstances;
 - E) Procedures for a nurse to refuse to perform or be involved in resident handling or movement that the nurse, in good faith, believes will expose a resident or nurse or other health care worker to an unacceptable risk of injury;
 - <u>Povelopment of strategies to control risk of injury to residents and nurses and other health care workers associated with the lifting, transferring, repositioning, or movement of a resident; and</u>
 - G) Consideration of the feasibility of incorporating resident handling equipment or the physical space and construction design needed to incorporate that equipment when developing architectural plans for construction or remodeling of a facility or unit of a facility in

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which resident handling and movement occurs. (Section 3-206.05 of the Act)

- d) For the purposes of subsection (c)(4):
 - 1) "Health care worker" means an individual providing direct resident care services who may be required to lift, transfer, reposition, or move a resident.
 - 2) "Nurse" means an advanced practice nurse, a registered nurse, or a licensed practical nurse licensed under the Nurse Practice Act. (Section 3-206.05 of the Act)
- e)d) The facility shall have a written agreement with one or more hospitals towhich indicates the hospital or hospitals will provide diagnostic, emergency and acute care hospitalthe following services. The Department will waive this This requirement if shall be waived when the facility can document to the satisfaction of the Department that it is unable to meet the requirement because of its by reason of remote location or refusal of local hospitals to enter an agreement, it is unable to effect such arrangements. The services shall include:
 - 1) Emergency admissions:
 - 2) Admission to a hospital of <u>facility</u> residents from the facility who are in need of hospital care;
 - 3) Diagnostic Needed diagnostic services; and-
 - 4) Any other hospital_based services needed by the resident.

(Source: Amended at 37 Ill. Reg. _____, effective _____)