

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) Section Number: 330.710 Adopted Action:
Amended
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Amendment:
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? 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. 12225
- 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
- 15) Summary and Purpose of Rulemaking: The Sheltered Care Facilities Code (77 Ill. Adm. Code 330) regulates all aspects of resident care, including mandating that facilities draft policies and procedures governing resident care services provided by the facility.

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

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strategies to control risk of injury to residents and nurses” in the transferring and moving of residents.

- 16) Information and questions regarding these adopted amendments shall be directed to:

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Department of Public Health
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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 330
SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

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| 330.110 | General Requirements |
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| 330.140 | Issuance of an Initial License For a New Facility |
| 330.150 | Issuance of an Initial License Due to a Change of Ownership |
| 330.160 | Issuance of a Renewal License |
| 330.163 | Alzheimer's Special Care Disclosure |
| 330.165 | Criteria for Adverse Licensure Actions |
| 330.170 | Denial of Initial License |
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| 330.190 | Experimental Program Conflicting With Requirements |
| 330.200 | Inspections, Surveys, Evaluations and Consultation |
| 330.210 | Filing an Annual Attested Financial Statement |
| 330.220 | Information to be Made Available to the Public By the Department |
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| 330.240 | Municipal Licensing |
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| 330.270 | Monitoring and Receivership |
| 330.271 | Presentation of Findings |
| 330.272 | Determination to Issue a Notice of Violation or Administrative Warning |
| 330.274 | Determination of the Level of a Violation |
| 330.276 | Notice of Violation |
| 330.277 | Administrative Warning |
| 330.278 | Plans of Correction |
| 330.280 | Reports of Correction |
| 330.282 | Conditions for Assessment of Penalties |
| 330.284 | Calculation of Penalties (Repealed) |
| 330.286 | Notice of Penalty Assessment; Response by Facility |

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| 330.287 | Consideration of Factors for Assessing Penalties |
| 330.288 | Reduction or Waiver of Penalties |
| 330.290 | Quarterly List of Violators (Repealed) |
| 330.300 | Alcoholism Treatment Programs In Long-Term Care Facilities |
| 330.310 | Department May Survey Facilities Formerly Licensed |
| 330.315 | Supported Congregate Living Arrangement Demonstration |
| 330.320 | Waivers |
| 330.330 | Definitions |
| 330.340 | Incorporated and Referenced Materials |

SUBPART B: ADMINISTRATION

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| 330.510 | Administrator |

SUBPART C: POLICIES

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| 330.710 | Resident Care Policies |
| 330.715 | Request for Resident Criminal History Record Information |
| 330.720 | Admission and Discharge Policies |
| 330.724 | Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed) |
| 330.725 | Identified Offenders |
| 330.726 | Discharge Planning for Identified Offenders |
| 330.727 | Transfer of an Identified Offender |
| 330.730 | Contract Between Resident and Facility |
| 330.740 | Residents' Advisory Council |
| 330.750 | General Policies |
| 330.760 | Personnel Policies |
| 330.761 | Whistleblower Protection |
| 330.765 | Initial Health Evaluation for Employees |
| 330.770 | Disaster Preparedness |
| 330.780 | Incidents and Accidents |
| 330.785 | Contacting Local Law Enforcement |
| 330.790 | Infection Control |
| 330.795 | Language Assistance Services |

SUBPART D: PERSONNEL

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| 330.910 | Personnel |
| 330.911 | Health Care Worker Background Check |
| 330.913 | Nursing and Personal Care Assistants (Repealed) |
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| 330.920 | Consultation Services |
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SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

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| 330.1140 | Care and Treatment of Sexual Assault Survivors |
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SUBPART G: MEDICATIONS

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SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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- 330.2620 Water Supply
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SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR
NEW SHELTERED CARE FACILITIES

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- 330.2810 Applicable Requirements (Repealed)
- 330.2820 Applicability of These Standards
- 330.2830 Submission of a Program Narrative
- 330.2840 New Constructions, Additions, Conversions, and Alterations
- 330.2850 Preparation and Submission of Drawings and Specifications
- 330.2860 First Stage Drawings
- 330.2870 Second Stage Drawings
- 330.2880 Architectural Drawings
- 330.2890 Structural Drawings
- 330.3000 Mechanical Drawings
- 330.3010 Electrical Drawings
- 330.3020 Additions to Existing Structures
- 330.3030 Specifications
- 330.3040 Building Codes
- 330.3050 Site
- 330.3060 General Building Requirements
- 330.3070 Administration
- 330.3080 Corridors
- 330.3090 Bath and Toilet Rooms
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- 330.3110 Bedrooms
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- 330.3160 Plumbing
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SUBPART N: FIRE PROTECTION STANDARDS FOR
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- 330.3310 Applicable Requirements (Repealed)
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- 330.3330 Fire Protection
- 330.3340 Fire Department Service and Water Supply
- 330.3350 General Building Requirements
- 330.3360 Exit Facilities and Subdivision of Floor Areas
- 330.3370 Stairways, Vertical Openings, and Doorways
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- 330.3400 Hazardous Areas and Combustible Storage
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SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR
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- 330.3610 Site
- 330.3620 General Building Requirements
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- 330.3650 Bath and Toilet Rooms
- 330.3660 Living, Dining, and Activity Rooms
- 330.3670 Bedrooms
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SUBPART P: FIRE PROTECTION STANDARDS FOR
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SUBPART R: DAY CARE PROGRAMS

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| 330.APPENDIX A | Interpretation, Components, and Illustrative Services for Sheltered Care Facilities (Repealed) |
| 330.APPENDIX B | Classification of Distinct Part of a Facility For Different Levels of Service (Repealed) |
| 330.APPENDIX C | Forms for Day Care in Long-Term Care Facilities |
| 330.APPENDIX D | Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed) |
| 330.APPENDIX E | Guidelines for the Use of Various Drugs |
| 330.TABLE A | Heat Index Table/Apparent Temperature |

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AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. 4078, effective February 13, 1998; amended at 22 Ill. Reg. 7203, effective April 15, 1998; amended at 22 Ill. Reg. 16594, effective September 18, 1998; amended at 23 Ill. Reg. 1085, effective January 15, 1999; amended at 23 Ill. Reg. 8064, effective July 15, 1999; amended at 24 Ill. Reg. 17304, effective November 1, 2000; amended at 25 Ill. Reg. 4901, effective April 1, 2001; amended at 26 Ill. Reg. 4859, effective April 1, 2002; amended at 26 Ill. Reg. 10559, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2202, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5473, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5886, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14218, effective August 15, 2003, for a maximum of 150 days; emergency expired January

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11, 2004; amended at 27 Ill. Reg. 15880, effective September 25, 2003; amended at 27 Ill. Reg. 18130, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3541, effective November 15, 2003; amended at 28 Ill. Reg. 11195, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11879, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15156, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12891, effective August 2, 2005; amended at 30 Ill. Reg. 1439, effective January 23, 2006; amended at 30 Ill. Reg. 5260, effective March 2, 2006; amended at 31 Ill. Reg. 6072, effective April 3, 2007; amended at 31 Ill. Reg. 8828, effective June 6, 2007; amended at 33 Ill. Reg. 9371, effective June 17, 2009; amended at 34 Ill. Reg. 19199, effective November 23, 2010; amended at 35 Ill. Reg. 3415, effective February 14, 2011; amended at 35 Ill. Reg. 11513, effective June 29, 2011; amended at 37 Ill. Reg. 2315, effective February 4, 2013; amended at 37 Ill. Reg. _____, effective _____.

SUBPART C: POLICIES

Section 330.710 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 with the involvement of the administrator. ~~The~~These written policies shall be followed in operating the facility and shall be reviewed at least annually by the Administrator. The policies shall comply~~They shall be in compliance~~ with the Act and this Part.~~all rules promulgated thereunder.~~ ~~(B)~~
- b) All of the information contained in the policies shall be available for review by the Department ~~personnel~~, residents, staff and the public.
- c) ~~The~~These written policies shall include, but are not limited to, the following provisions:
 - 1) Admission, transfer, and discharge of residents, including categories of residents accepted and not accepted, ~~and~~ 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 services, activity services, dietary services, and social services. ~~(B)~~

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- 3) *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.*
 - C) *Evaluation of alternative ways to reduce risks associated with resident handling, including evaluation of equipment and the environment.*
 - 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.*
 - F) *Development 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.*
 - 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 which resident handling and movement occurs. (Section 3-206.05 of the Act)*

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- d) For the purposes of subsection (c)(3):
- 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) The facility shall have a written agreement with one or more hospitals to provide diagnostic, emergency and acute care services. The Department will waive this requirement if the facility can document that it is unable to meet the requirement because of its remote location or refusal of local hospitals to enter an agreement. The services shall include:
- 1) Emergency admissions;
 - 2) Admission of facility residents who are in need of hospital care;
 - 3) Diagnostic services; and
 - 4) Any other hospital-based services needed by the resident.

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