DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part**: Sheltered Care Facilities Code

2) **Code Citation**: 77 Ill. Adm. Code 330

3) **Section Number**
   - **Proposed Action**: Amend
   - 330.1160   Amend

4) **Statutory Authority**: Nursing Home Care Act [210 ILCS 45]

5) **A Complete Description of the Subjects and Issues Involved**:

   This proposed amendment implements the statutory requirements of Public Act 98-0271, which removed language from the Nursing Home Care Act that limited the administration of pneumococcal vaccination to residents aged 65 or older.

   The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

   The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the Illinois Register.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking**: None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No

11) **Statement of Statewide Policy Objectives**: This rulemaking does not create a state mandate.

12) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking**:

   Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register to:
13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Skilled nursing and intermediate care facilities

B) Reporting, bookkeeping or other procedures required for compliance: Yes

C) Types of professional skills necessary for compliance: Nursing

14) Regulatory Agenda on which this rulemaking was summarized: July 2014

The full text of the Proposed Amendment begins on the next page:
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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

PART 330
SHELTERED CARE FACILITIES CODE

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330.130 Licensee
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330.180 Revocation of License
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
330.230 Information to be Made Available to the Public By the Licensee
330.240 Municipal Licensing
330.250 Ownership Disclosure
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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
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330.280 Reports of Correction
330.282 Conditions for Assessment of Penalties
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330.286 Notice of Penalty Assessment; Response by Facility
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 FormerlyLicensed
330.315 Supported Congregate Living Arrangement Demonstration
330.320 Waivers
330.330 Definitions
330.340 Incorporated and Referenced Materials

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330.715 Request for Resident Criminal History Record Information
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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
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330.761 Whistleblower Protection
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330.1970 Scheduling of Meals
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330.3370 Stairways, Vertical Openings, and Doorways
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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 (Repealed)
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

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

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective
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,
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
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. 4970, effective March 29, 2013; amended at
38 Ill. Reg. ______; effective _________.

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section 330.1160 Vaccinations

a) A facility shall annually administer a vaccination against influenza to each resident, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention that
are most recent to the time of vaccination, unless the vaccination is medically contraindicated or the resident has refused the vaccine. Influenza vaccinations for all residents age 65 and over shall be completed by November 30 of each year or as soon as practicable if vaccine supplies are not available before November 1. Residents admitted after November 30, during the flu season, and until February 1 shall, as medically appropriate, receive an influenza vaccination prior to or upon admission or as soon as practicable if vaccine supplies are not available at the time of the admission, unless the vaccine is medically contraindicated or the resident has refused the vaccine. (Section 2-213 of the Act)

b) A facility shall document in the resident's medical record that an annual vaccination against influenza was administered, refused or medically contraindicated. (Section 2-213 of the Act)

c) A facility shall provide or arrange for administration of a pneumococcal vaccination to each resident who is age 65 or over, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, who has not received this immunization prior to or upon admission to the facility unless the resident refuses the offer for vaccination or the vaccination is medically contraindicated. (Section 2-213 of the Act)

d) A facility shall document in each resident's medical record that a vaccination against pneumococcal pneumonia was offered and administered, refused, or medically contraindicated. (Section 2-213 of the Act)

(Source: Amended at 38 Ill. Reg. ______, effective ___________)