1) **Heading of the Part**: Long-Term Care for Under Age 22 Facilities Code

2) **Code Citation**: 77 Ill. Adm. Code 340

3) **Section Number**: 390.1140  
   **Proposed Action**: Amend

4) **Statutory Authority**: ID/DD Community Care Act [210 ILCS 47]

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 ID/DD Community 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:*
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

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

PART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>390.110</td>
<td>General Requirements</td>
</tr>
<tr>
<td>390.120</td>
<td>Application for License</td>
</tr>
<tr>
<td>390.130</td>
<td>Licensee</td>
</tr>
<tr>
<td>390.140</td>
<td>Issuance of an Initial License for a New Facility</td>
</tr>
<tr>
<td>390.150</td>
<td>Issuance of an Initial License Due to a Change of Ownership</td>
</tr>
<tr>
<td>390.160</td>
<td>Issuance of a Renewal License</td>
</tr>
<tr>
<td>390.165</td>
<td>Criteria for Adverse Licensure Actions</td>
</tr>
<tr>
<td>390.170</td>
<td>Denial of Initial License</td>
</tr>
<tr>
<td>390.175</td>
<td>Denial of Renewal of License</td>
</tr>
<tr>
<td>390.180</td>
<td>Revocation of License</td>
</tr>
<tr>
<td>390.190</td>
<td>Experimental Program Conflicting With Requirements</td>
</tr>
<tr>
<td>390.200</td>
<td>Inspections, Surveys, Evaluations and Consultation</td>
</tr>
<tr>
<td>390.210</td>
<td>Filing an Annual Attested Financial Statement</td>
</tr>
<tr>
<td>390.220</td>
<td>Information to be Made Available to the Public by the Department</td>
</tr>
<tr>
<td>390.230</td>
<td>Information to Be Made Available to the Public By the Licensee</td>
</tr>
<tr>
<td>390.240</td>
<td>Municipal Licensing</td>
</tr>
<tr>
<td>390.250</td>
<td>Ownership Disclosure</td>
</tr>
<tr>
<td>390.260</td>
<td>Issuance of Conditional Licenses</td>
</tr>
<tr>
<td>390.270</td>
<td>Monitor and Receivership</td>
</tr>
<tr>
<td>390.271</td>
<td>Presentation of Findings</td>
</tr>
<tr>
<td>390.272</td>
<td>Determination to Issue a Notice of Violation or Administrative Warning</td>
</tr>
<tr>
<td>390.274</td>
<td>Determination of the Level of a Violation</td>
</tr>
<tr>
<td>390.276</td>
<td>Notice of Violation</td>
</tr>
<tr>
<td>390.277</td>
<td>Administrative Warning</td>
</tr>
<tr>
<td>390.278</td>
<td>Plans of Correction</td>
</tr>
<tr>
<td>390.280</td>
<td>Reports of Correction</td>
</tr>
<tr>
<td>390.282</td>
<td>Conditions for Assessment of Penalties</td>
</tr>
<tr>
<td>390.284</td>
<td>Calculation of Penalties</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

390.286 Determination to Assess Penalties
390.288 Reduction or Waiver of Penalties
390.290 Quarterly List of Violators (Repealed)
390.300 Alcoholism Treatment Programs in Long-Term Care Facilities
390.310 Department May Survey Facilities Formerly Licensed
390.315 Supported Congregate Living Arrangement Demonstration (Repealed)
390.320 Waivers
390.330 Definitions
390.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section
390.500 Administrator

SUBPART C: POLICIES

Section
390.610 Management Policies
390.620 Resident Care Policies
390.625 Pre-admission Assessment and Request for Criminal History Record Information (Repealed)
390.630 Admission, Retention and Discharge Policies
390.635 Identified Offenders (Repealed)
390.636 Discharge Planning for Identified Offenders (Repealed)
390.637 Transfer of an Identified Offender (Repealed)
390.640 Contract Between Resident and Facility
390.650 Residents' Advisory Council
390.660 General Policies
390.670 Personnel Policies
390.675 Initial Health Evaluation for Employees
390.680 Child Care/Habilitation Aides
390.681 Health Care Worker Background Check
390.682 Resident Attendants
390.683 Registry of Child Care/Habilitation Aides
390.685 Student Interns
390.690 Disaster Preparedness
390.700 Incidents and Accidents
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

390.750 Contacting Local Law Enforcement
390.760 Infection Control

SUBPART D: PERSONNEL

Section
390.810 General
390.820 Categories of Personnel
390.830 Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section
390.1010 Service Programs
390.1020 Medical Services
390.1025 Life-Sustaining Treatments
390.1030 Physician Services
390.1035 Tuberculin Skin Test Procedures
390.1040 Nursing Services
390.1050 Dental Care Services
390.1060 Physical and Occupational Therapy Services
390.1070 Psychological Services
390.1080 Social Services
390.1090 Speech Pathology and Audiology Services
390.1100 Recreational and Activity Services
390.1110 Educational Services
390.1120 Work Activity and Prevocational Training Services
390.1130 Communicable Disease Policies
390.1140 Vaccinations
390.1150 Language Assistance Services

SUBPART F: RERAINTS AND BEHAVIOR MANAGEMENT

Section
390.1310 Restraints
390.1312 Nonemergency Use of Physical Restraints
390.1314 Emergency Use of Physical Restraints
390.1316 Unnecessary, Psychotropic, and Antipsychotic Drugs
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

390.1320 Behavior Management
390.1330 Behavior Emergencies (Repealed)

SUBPART G: MEDICATIONS

Section
390.1410 Medication Policies and Procedures
390.1420 Compliance with Licensed Prescriber's Orders
390.1430 Administration of Medication
390.1440 Labeling and Storage of Medications
390.1450 Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section
390.1610 Resident Record Requirements
390.1620 Content of Medical Records
390.1630 Confidentiality of Resident's Records
390.1640 Records Pertaining to Residents' Property
390.1650 Retention and Transfer of Resident Records
390.1660 Other Resident Record Requirements
390.1670 Staff Responsibility for Medical Records
390.1680 Retention of Facility Records
390.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section
390.1810 Director of Food Services
390.1820 Dietary Staff in Addition to Director of Food Services
390.1830 Hygiene of Dietary Staff
390.1840 Diet Orders
390.1850 Meal Planning
390.1860 Infant and Therapeutic Diets
390.1870 Scheduling Meals
390.1880 Menus and Food Records
390.1890 Food Preparation and Service
390.1900 Preparation of Infant Formula
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

390.1910 Food Handling Sanitation
390.1920 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section
390.2010 Maintenance
390.2020 Housekeeping
390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
390.2210 Furnishings
390.2220 Equipment and Supplies
390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section
390.2410 Codes
390.2420 Water Supply
390.2430 Sewage Disposal
390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section
390.2610 Applicability of these Standards
390.2620 Codes and Standards
390.2630 Preparation of Drawings and Specifications
390.2640 Site
390.2650 Administration and Public Areas
390.2660 Nursing Unit
390.2670 Dining, Play, Activity/Program Rooms
390.2680 Therapy and Personal Care
390.2690 Service Departments
390.2700 General Building Requirements
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

390.2710 Structural
390.2720 Mechanical Systems
390.2730 Plumbing Systems
390.2740 Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section
390.2910 Applicability
390.2920 Codes and Standards
390.2930 Preparation of Drawings and Specifications
390.2940 Site
390.2950 Administration and Public Areas
390.2960 Nursing Unit
390.2970 Play, Dining, Activity/Program Rooms
390.2980 Treatment and Personal Care
390.2990 Service Department
390.3000 General Building Requirements
390.3010 Structural
390.3020 Mechanical Systems
390.3030 Plumbing Systems
390.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section
390.3210 General
390.3220 Medical Care
390.3230 Restraints (Repealed)
390.3240 Abuse and Neglect
390.3250 Communication and Visitation
390.3260 Resident's Funds
390.3270 Residents' Advisory Council
390.3280 Contract With Facility
390.3290 Private Right of Action
390.3300 Transfer or Discharge
390.3310 Complaint Procedures
390.3320 Confidentiality
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

Section
390.3510 Day Care in Long-Term Care Facilities

390.APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)
390.APPENDIX B Forms for Day Care in Long-Term Care Facilities
390.APPENDIX C Guidelines for the Use of Various Drugs
390.TAB E Table A Infant Feeding
390.TAB E Table B Daily Nutritional Requirements By A ge Group
390.TAB E Table C Sound Transmissions Limitations
390.TAB E Table D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
390.TAB E Table E Sprinkler Requirements
390.TAB E Table F Heat Index Table/Apparent Temperature

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

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT


SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES
Section 390.1140 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 or 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 and 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 ___________)