**Section 119.120 Definitions**

For the purposes of this Part, the following terms are defined:

*"Abuse." Any physical injury, sexual abuse or mental injury inflicted on* an individual *other than by accidental means.* (Section 1-101.1 of the Code)

Physical injury includes all injuries serious enough to require immediate medical treatment by a physician, such as fractures and lacerations which require suturing and all other injuries which because of the circumstances or nature of the injury indicate possible abuse or neglect;

Sexual abuse includes but is not limited to any sexual penetration or sexual conduct between an individual and another person if the individual has been adjudicated legally disabled, or has a guardian, or is unable to understand the nature of the act or is unable to give knowing consent, or is injured, or alleges that there is, or there is evidence of use of force, coercion, or the exchange of money or anything of value; and

Mental injury includes use of words, signs, gestures or other actions by anyone against an individual which intimidates, demeans, harasses, causes emotional anguish or distress, ridicules, threatens, harms or will knowingly incite or precipitate maladaptive behavior on the part of an individual. Mental injury also includes exploitation, which is any act that uses individuals, their resources or their possessions for an agency employee's personal gain or for an agency's benefit.

"Accreditation." A process establishing that a program complies with nationally-recognized standards of care as set by one of the following:

1997 Hospital Accreditation Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

1997 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996); or

Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services (Council on Accreditation of Services for Families and Children, Inc. (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 1996).

Outcome Based Performance Measures (The Council, 100 West Road, Suite 406, Towson, Maryland 21204, 1993);

Standards Manual and Interpretive Guidelines for Behavioral Health (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996);

Standards Manual and Interpretive Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996);

Education Standards (National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, 15 West 65th Street, New York, New York 10023, 1994);

"Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Adaptive behavior." The effectiveness or degree with which the individual approaches the standards of personal independence and social responsibility expected of the individual's age and cultural group as measured by adaptive behavior scales such as the Inventory for Client and Agency Planning (ICAP) (DLM Teaching Resources, One DLM Park, Allen, Texas 75002, 1986) and Scales of Independent Behavior (SIB) (DLM Teaching Resources, One DLM Park, Allen, Texas 75002, 1985).

"Authorized agency representative." A person appointed by the governing body who has responsibility for the program's administration including its content and fiscal affairs.

"Aversive procedures." The application of unpleasant or painful stimuli or stimuli that have a potentially noxious effect, contingent on the exhibition of a specific behavior that is not adaptive.

"Behavior management." Efforts to increase adaptive behaviors and to modify problem behaviors or behaviors that are not adaptive and replace them with behaviors and skills that are adaptive and socially productive.

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Day." A calendar day, unless otherwise indicated.

"Deemed status." If a provider has been accredited by an approved accrediting body as identified in the definition of "accreditation" in this Section, the Department shall deem the provider to be in substantial compliance with specific Sections of this Part. Deemed status, however, may be nullified by a finding by the Department that the provider is in substantial non-compliance with one or more of the designated Sections.

"Department." The Department of Human Services.

"Developmental disability." A *disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in an impairment similar to that caused by mental retardation and which requires services similar to those required by* individuals with mental retardation. *Such disability must originate before the age of 18, be expected to continue indefinitely, and constitute a substantial handicap.* (Section 1-106 of the Code)

"Discharge." The full release of an individual from a program.

"Equivalency." Evidence to substantiate compliance with requirements of this Part by means other than indicated in this Part.

"Exclusion." Preventing an individual's entrance or continuation in a program due to the individual's disability, medical condition, or maladaptive behavior, or due to lack of space in the day program.

"Exploitation." Any act that uses individuals, their resources or their possessions for the provider's employee's personal gain or for the provider's benefit.

"Family." The individual's spouse, children, mother, father, sister and brother.

"Full compliance." A survey finding that a program has no identified deficiencies with the standards in this Part.

"Governing body." The provider's decision-making authority which establishes policies for the program's operation and the welfare of the individuals served.

"Guardian." The plenary or limited guardian or conservator appointed by the court for an individual over age 18 so long as the limited guardian's duties encompass concerns related to service requirements.

"Imminent risk." A situation in which individuals in a program are or may be subject to mental, physical or psychological harm which is not immediately correctable, such as environmental or safety hazards.

"Individual." A person who is applying for or receiving services in a program.

"Individual record" or "record." Materials kept chronologically by a program in the course of providing services to an individual.

"Individual services plan" or "plan." A written plan which includes an assessment of the individual's strengths and needs, a description of the services needed regardless of availability, objectives for each service, the role of the individual, guardian, significant others, and the family in the implementation, if the individual agrees to their participation. The plan shall also include a timetable for the accomplishment of objectives, and the names of the persons responsible for their implementation.

"Industrial norm." A standard of measured productivity outcomes of a specific work activity as determined by a time and motion study conducted on workers who are not impaired for the work being performed by age, physical or mental disability, or injury.

"Informed consent." Permission freely granted by the individual or guardian based on full disclosure to the individual or guardian of the benefits and/or liabilities of participation in specific procedures and/or services, including the releases of information, as part of the individual's services plan.

"Interdisciplinary team" or "team." A group consisting of at least the individual, parents (except when a non-legally disabled individual or a legally disabled individual's guardian does not desire them to participate), the guardian, as well as representatives of disciplines and services necessary to identify the individual's needs and to design services and alternatives to meet them. At least one member of the team shall be a qualified mental retardation professional.

"Maladaptive behavior." Actions by the individual that interrupt services, require a specific program addressing the behavior developed by the interdisciplinary team and exclude instances requiring only a verbal prompt such as "please sit down."

*"Mental retardation."* *Significantly* *subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.* (Section 1-116 of the Code)

"Moral turpitude." Moral quality of being inherently base, depraved, vile or wicked.

*"Neglect." Failure to provide adequate medical or personal care or maintenance to* an individual *which results in physical or mental injury or in the deterioration of* an individual's *physical or mental condition.* (Section 1-117.1 of the Code).

"Notice of violation." A report submitted by OAL to a provider listing the program's deficiencies with this Part as noted during a survey.

"OAL." The Department's Office of Accreditation and Licensure.

"Plan of correction." A written plan submitted by a provider to OAL in response to a notice of violation, which describes the steps the provider will take to bring the program into compliance, including the time-frames for completion of each step.

"Program." Services provided in non-residential facilities to adults who are developmentally disabled and require training in self-help, community living skills, social and leisure skills, communication or productive work.

"Progress notes." Narrative chronological documentation in an individual's record of service provided and its relationship to the plan.

"Provider." A sole proprietorship, association, partnership, corporation or organization, public or private, either for profit or not-for-profit, which operates a developmental training program under the jurisdiction of a governing body or board.

"Qualified mental retardation professional (QMRP)." A QMRP must have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987 [225 ILCS 60];

A registered nurse licensed pursuant to the Illinois Nursing Act of 1987 [225 ILCS 65];

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association or other comparable body (Illinois Occupational Therapy Practice Act [225 ILCS 75]);

A physical therapist certified by the American Physical Therapy Association or other comparable body (Illinois Physical Therapy Act [225 ILCS 90]);

A physical therapist assistant registered by the American Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association or comparable body;

A psychologist with at least a master's degree in psychology from an accredited school (Clinical Psychologist Licensing Act [225 ILCS 15]);

A social worker with a bachelor's degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body (the Clinical Social Work and Social Work Practice Act [225 ILCS 20]);

A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech Language Hearing Association or comparable body or meet the education requirements for licensure and be in the process of accumulating the supervised experience required for licensure (the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]);

A professional recreation staff person with a bachelor's degree in recreation or in a specialty area such as art, dance, music or physical therapy;

A professional dietician registered by the American Dietetics Association; or

A human services professional with a bachelor's degree in a human services field, including, but not limited to sociology, special education, rehabilitation counseling or psychology.

"Quality assurance." A systematic and objective approach to monitoring and evaluating the appropriateness, adequacy and quality of services in order to identify and resolve problems.

"Restraint." The *direct restriction through mechanical means or personal physical force of the limbs, head or body of* an individual except *as part of a medically prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical handicap.* The partial or total immobilization of an individual for the purpose of performing a medical or surgical *procedure shall not constitute restraint.* (Section 1-125 of the Code)

"Seclusion." *Sequestration by placement of* an individual *alone in a room* from *which he* or she *has no means of leaving.* (Section 1-126 of the Code)

"Secretary." The Secretary of the Department of Human Services or his or her designee.

"Self-administration of medications." An individual's ability to take medications independently or with verbal prompts.

"Skills training." Activities which focus on the development of daily living skills which enable individuals to achieve independent functioning and economic self-sufficiency.

"Substantial compliance." A determination that a surveyed program does not have a deficiency or group of deficiencies sufficient to jeopardize the health, welfare or safety of individuals or prevent their maximum development; or, when deficient, the provider has documented a plan of correction to rectify any deficiency or has an approved equivalency or waiver for it.

"Survey." A process to determine the degree of compliance with this Part which a program has maintained, including surveyor observation and an on-site examination of policies, procedures, records of individuals, written plans, and the physical plant. Interviews of individuals and staff are also a part of the survey.

"Suspension." The conditional release of an individual from a program.

"Time-out." When an individual is placed in a behavior modification program pursuant to his or her individual services plan, he or she may be removed from a situation that affords positive reinforcement to an area where reinforcement is not available for a reasonable period of time as determined by the team but not to exceed 30 minutes.

"Waiver." Department-granted exceptions to this Part on application by a provider, for a period not to exceed the duration of the current certificate.

"Work activity." The individual performs work such as contract janitorial, simulated assembly, and food service.

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