**Section 120.10 Definitions**

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

"Abuse." See full definitions for physical abuse, sexual abuse, mental abuse, and financial exploitation in 59 Ill. Adm. Code 50.10.

"Adult." An individual aged eighteen (18) or older.

"Children's Group Home (CGH)." A residential service within the DD Children's Residential Waiver, for children and adolescents (ages 3-21) with developmental disabilities, that is designed to provide a structured environment to children and adolescents who cannot reside in their own home. These settings are licensed by DCFS under Title 89, Chapter III, Subchapter e.

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

"Coercion." Occurs when an Individual, guardian, or family member is compelled by force, intimidation, or threat to act in a manner contrary to how that person would have acted if permitted to act in accordance with their free and informed choice.

"Community Day Service (CDS)." A Home and Community-Based certified day program that provides assistance with gaining, maintaining, and/or improving skills and functioning to Individuals with developmental disabilities. Services can reinforce skills or strategies taught in other settings and may include training and supports to help prevent or slow the loss of skills. CDS takes place in a non-residential setting, separate from the participant's residential setting, whether individually-owned, controlled or other. CDS can be provided in a site certified by the Department (site-based CDS) or in community locations where members of the general community typically congregate (non-site-based CDS). CDS activities shall promote greater independence and support full access to the general community to the same degree as persons not receiving HCBS Waiver services.

"Community Integrated Living Arrangement (CILA)." *A living arrangement* certified by the Department *where* eight *or fewer* Individuals *with a developmental disability* *reside* together in a home *under the supervision of the agency* and are provided with an array of services*.* [210 ILCS 135/3(d)]

"Community living facility (CLF)." A transitional residential setting licensed by the Department of Public Health (77 Ill. Adm. Code 370.240) that serves individuals with developmental disabilities in skill training programs that provide guidance, supervision, training and other assistance, with the goal of eventually assisting individuals in moving to independent living. Individuals are encouraged to participate in day activities, Community Day Services, Supported Employment, or regular employment. A CLF shall not be a nursing or medical facility and shall serve no more than 20 Individuals [210 ILCS 35/3]. CLFs that serve 16 or fewer Individuals are a part of the Adults with Developmental Disabilities Waiver.

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

"Conflict of interest free case management." Separation of entities that provide HCBS Waiver services and those that conduct activities that include, but are not limited to determining eligibility for HCBS Waiver services, helping individuals gain access to HCBS Waiver services, developing and/or monitoring the person-centered plan (case management activities). Case management activities cannot be conducted by a relative of the person served, a direct provider of service, someone who has a financial interest in a provider or who is employed by a provider (42 CFR 441.301(c)(1)(vi)).

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

"Department." The Department of Human Services (DHS).

"Developmental disability (DD)." An intellectual disability or other severe, chronic disability, other than mental illness, found to be closely related to an intellectual disability (ID) because this condition results in an impairment of general intellectual functioning or adaptive behavior similar to that of persons with ID and requires services similar to those required for a person with an ID. In addition, a developmental disability is manifested before the person reaches 22 years of age, is likely to continue indefinitely, results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and reflects the person's need for a combination and sequence of special interdisciplinary or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

"Division of Developmental Disabilities (DDD)" or "Division." The Department's Division of Developmental Disabilities.

"Grant agreement." When fully executed the obligating instrument providing the basis for Departmental financial participation in grant-in-aid programs and which formalizes the written relationship between the Department and the provider, indicating the amount of Department funds which may be paid to the provider for the provision of services as described in the grant agreement and the agency plan. Requirements for grant-in-aid funded providers are contained in the Department's rules at 59 Ill. Adm. Code 103.

"Guardian." The plenary or limited guardian or conservator of the Individual appointed by the court for an Individual over age 18 (when the limited guardian's duties encompass concerns related to service requirements), the natural or adoptive parent of a minor, or a person acting as a parent of a minor. All references in this Part to an "Individual and/or guardian" include the guardian only if applicable.

*"Habilitation." An effort directed toward increasing* the *level of physical, mental, social or economic functioning* of an Individual with a developmental disability. Additionally, habilitation may include efforts to prevent loss of skills or to decelerate loss of function. *Habilitation may* also *include, but is not limited to,* *diagnosis, evaluation, medical services,* personal *care, day care, special living arrangements, training, education,* employment-related services*,* supported employment, *protective services, counseling and other services provided to* Individuals *with developmental* disabilities *by developmental disabilities* programs. [405 ILCS 5/1-111]

"HFS." The Illinois Department of Healthcare and Family Services.

"Home and Community-Based Services (HCBS) Waiver." A federally-approved Medicaid program which allows services that support Individuals to remain in their own homes or live in a community setting, instead of an institution. HCBS is person-centered care which is delivered in the home and community.

"Individual." A person with developmental disabilities who is requesting, is receiving, or has received services under this Part.

"Implementation Strategy." A document developed by a licensed or certified provider agency, in conjunction with the Individual and the Individual's guardian, that describes and directs the activities and methods used to provide services and supports for the areas of an Individual's Personal Plan for which the provider agency has agreed to be responsible. The priorities, strengths, support needs, and risk factors identified in the Personal Plan must be addressed and accounted for in the Implementation Strategy for those areas of the provider agency's responsibility. The document must describe how the provider agency will support the Individual to pursue the outcomes included in the Personal Plan and be approved by the Individual and/or guardian.

"Independent Service Coordination (ISC) agency." An entity designated by DDD to carry out federal and State requirements related to assessment, determination of eligibility, and service coordination for Individuals with a developmental disability. This entity provides conflict of interest-free case management, including development and monitoring of an Individual's Personal Plan, to DD Medicaid HCBS Waiver participants. They also serve as the front line for information and assistance to help Individuals and families navigate the system, ensure informed choice, link Individuals to services, and address problems related to outcomes and quality.

"Individually-owned or -controlled." A physical setting in which the Individual resides that is owned, co-owned, leased, or rented by the Individual. This setting is not provider-owned or -controlled.

"Intellectual disability." A disorder with onset during the developmental period (before the person reaches age 22), that includes both intellectual and adaptive deficits in conceptual, social, and practical domains. The following three criteria must be present:

Deficits in intellectual functions, such as reasoning, problem solving, planning, abstract thinking, judgment, academic learning, and learning from experience confirmed by both clinical assessment and individualized, standardized intelligence testing (generally indicated with an IQ score of 70 or below);

Deficits in adaptive functioning that result in failure to meet developmental and sociocultural standards for personal independence and social responsibility. Without ongoing support, the adaptive deficits limit functioning in one or more activities of daily life, such as communication, social participation, and independent living, across multiple environments, such as home, school, work, and community; and

Onset of intellectual and adaptive deficits during the developmental period.

"Intermediate care facility for individuals with Intellectual Disabilities (ICF/DD)." A facility that meets the standards specified in 42 CFR 483, Subpart I.

"Modification." Altering or limiting the conditions in a provider-owned or -controlled residential setting as specified in 42 CFR 441.301(c)(2)(xiii) and Section 120.70(d)(6)(A) through (E). Modifications must be supported by a specific assessed need and justified in the Personal Plan.

"Natural supports." Unpaid assistance provided to a person with a mental illness or developmental disability, typically by a person who has some type of friendship, kinship, or other relationship (e.g., co-worker, member of the same social group) with the person, whom the person accepts into their life and with whom the person has chosen to spend time. A natural support includes an informal agreement to assist in a particular way for some duration of time and not just a one-time action done out of courtesy.

"Neglect." See full definition of neglect found in 59 Ill. Adm. Code 50.10.

"Person-centered planning." A process that addresses health and long-term services and support needs in a manner that reflects Individual preferences and outcomes. The planning process, and the resulting Personal Plan, will assist the Individual in achieving personally-defined outcomes in the most integrated community setting, ensure delivery of services in a manner that reflects personal preferences and choices, and contribute to the assurance of health and welfare.

"Personal Plan." A written document developed by an ISC agency in conjunction with the Individual and guardian, as well as family members, providers of services, and others (e.g., friends or Individual's representatives) as chosen by the Individual and guardian, that includes an assessment of the Individual's strengths, preferences, needs, and desired outcomes. The document describes what is important to the Individual regarding delivery of services in a manner which ensures both personal preferences and health and welfare, including risk factors and means to minimize them. It includes the services that are to be furnished to the Individual, the amount and frequency of each service, and the type of provider to furnish each service.

"Program." The Medicaid Home and Community-Based Services Waiver Programs implemented in this Part.

"Provider." A community developmental services organization in accordance with Chapter 805 of the Illinois Compiled Statutes, that is under an agreement with the Department to provide HCBS Waiver services for Individuals with a developmental disability.

"Provider-owned or -controlled." A physical setting in which the Individual resides that is owned, co-owned, leased, or rented by a provider of HCBS or is owned, co-owned, leased, or rented by a third party that has a direct or indirect financial relationship with a provider of HCBS.

"PUNS." A database of Illinois children, adolescents, and adults who are presumed to have a developmental disability and want or need services in a developmental disability Home and Community Based Services Waiver program.

"Qualified Intellectual Disabilities Professional (QIDP)." A QIDP must have at least one year of experience working directly with Individuals with intellectual disabilities or other developmental disabilities (including individuals who are dually diagnosed with an ID/DD and mental illness or other diagnosis) 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 professional nurse licensed pursuant to the Nurse Practice Act [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 who meets the education requirements for licensure and is 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 dietitian registered with the Commission on Dietetic Registration (Dietitian Nutritionist Practice Act [225 ILCS 30]); 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 review." The Division's Bureau of Quality Management's (BQM) process to determine the degree of compliance with quality assurance requirements in this Part that a provider agency has maintained. This can include reviewer observation and an on-site examination, desk audit, remote or virtual form of examination of the following: policies, procedures, records of Individuals, written Personal Plan, and Implementation Strategies. Reviewers shall use an instrument containing standard indicators to interview Individuals and employees. Observation of a sample of Individuals, drawn from across provider agency sites statewide, is also a part of the review.

"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 disability. The partial or total immobilization of an Individual for the purpose of performing a medical or surgical procedure shall not constitute restraint. Momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force, and that are designed to prevent a recipient from completing an act that would result in potential physical harm to themselves or another shall not constitute restraint, but shall be documented in the Individual's record [405 ILCS 5/1-125]

"Restriction." Altering or limiting an Individual's rights outlined in Section 120.100.

"Seclusion." Sequestration by placement of an Individual alone in a room from which the Individual has no means of leaving; seclusion is prohibited. [405 ILCS 5/1-126]

"Secretary." The Secretary of the Department of Human Services or their designee.

"Service coordination." The coordination and monitoring of supports to assist an Individual in planning and evaluating necessary services to ensure a comprehensive array of supports and services to meet an Individual's needs, personal goals, and choices, as defined in the Individual's Personal Plan.

"Supported employment program (SEP)." Intensive supports provided to Individuals with developmental disabilities to obtain and sustain full-time or part-time paid work (at or above minimum wage) in an integrated business, industry, or community setting. Individuals participating in SEP shall be provided opportunities for advancement similar to those employees without disabilities who have similar positions. Supports shall occur at locations where the Individual interacts with employees without disabilities, as well as regular interaction with persons who are not paid caregivers or service providers. Supports may be provided individually or in group settings of no more than six Individuals with disabilities. Individuals in SEP shall not be isolated from individuals who do not have disabilities.

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