**Section 299.620 Applicability**

a) Program and living unit rules are to promote a safe and secure environment for treatment, as well as to preserve facility safety and security. All residents are expected to comply with the Program and living unit rules, as well as all staff orders. In a situation in which one or more residents are not following staff orders, staff will implement security measures to ensure facility safety and security (e.g., staff may direct all residents to their rooms).

b) All residents will be given adequate notice of the Program rules and living unit rules either directly by staff or presumptively by publication of this Part, provision of a handbook, or posted notice in the living units. Residents shall be informed of the rules upon admission. The location specific Program and living unit rules shall be either printed in the handbook or posted on the living units. Changes in rules that do not appear in the handbook shall be posted in the living units. Only those rules of which the residents have received notice may be enforced.

c) Rules apply equally to all residents in similar circumstances. Differences in circumstances are within staff discretion; however, the differences must be documented and applied when determining aggravating and mitigating circumstances surrounding a rule violation.

d) Progressive actions taken to address residents who violate facility rules involve warnings and, if ineffective, formal restrictions. When the severity of the rule violation warrants action be taken for the safety of the resident or others, staff may offer the resident a "cool down" period, which consists of voluntary confinement to the resident's room, or placement of the resident on Temporary Special Management Status pending review by the Behavior Committee. Whenever staff have reason to believe that a resident has violated facility rules, staff shall inform the resident of the specific rules and of the determination that the resident violated the rules, and shall offer one of the following:

1) Warnings

A) For a minor rule violation only, a warning may be issued if:

i) staff determines that:

• the resident is unfamiliar with the rules; or

• the resident's behavior was a technical violation of the rules; and

ii) staff determines that the objective of the rules would not be met by formal behavioral interventions.

B) A warning is to help the resident identify the rule violations, the consequences of the rule violations, and appropriate alternative behaviors. Warnings are to help the resident identify and modify the conduct that led to the rule violations in order to avoid imposition of formal behavioral interventions.

2) An intervention in the form of a "cool down" may be offered by the staff and may be accepted or rejected by the resident. If the intervention is rejected, staff will notify their supervisor immediately for further direction and or assistance. Staff involved in the cool down process shall complete incident reports and forward them to the shift supervisor for review before the end of the shift. Staff shall conduct a wellness check on the resident approximately 15 minutes after placement on a cool down. Within two hours after commencement of the cool down, a supervisor shall conduct an assessment of the resident's behavior to see if the cool down should be terminated or extended. All information gathered during this process shall be documented and may lead to imposition of formal behavioral interventions such as placement on Special Management Status or referral to the Behavior Committee.

3) Temporary assignment to Special Management Status may occur when the AOD has determined that a cool down was not appropriate or effective. Within two working days after being notified of a temporary assignment to Special Management Status, the Behavior Committee shall meet to review the incident and the need to maintain and continue the resident on Temporary Special Management Status. Staff shall conduct a wellness check of the resident approximately 15 minutes after assignment to Temporary Special Management Status. In addition, a mental health assessment shall be completed by a mental health professional within one hour after assignment to Temporary Special Management Status, and again at 12 hours.

e) Residents that may be faced with a change in management status upon the finding of a rule violation (i.e., "major" rule violation or third "minor" rule violation that leads to a reduction in management status/privileges) must be provided an opportunity to appear before the Behavior Committee and are entitled to 24 hours advance notice prior to that appearance. The notice shall be in writing and shall identify:

1) the rules alleged to be violated;

2) the date, approximate time, and location of the alleged violations;

3) a description of the incident/conduct; and

4) any witnesses identified in the incident report.

f) A resident facing a change in management status upon the finding of a rule violation may request that the Behavior Committee interview additional witnesses and, subject to health, safety and security concerns, appear before the Behavior Committee to testify and present documentation. Pending an appearance before the Behavior Committee, a resident may be temporarily assigned to Special Management Status.

g) The decision that a resident has violated a rule shall be based upon the best available evidence and that evidence must show it is more likely than not that the resident violated the rule. Staff may weigh the credibility of witnesses in making the decision. The Behavior Committee will determine the appropriate management status, make treatment recommendations, adjust privileges, or will take any combination of these actions. The decision of the Behavior Committee may be grieved, but may not be addressed as an Attempt to Resolve.

h) The following shall be prohibited from consideration under the Resident Behavior Management System:

1) punishment;

2) restrictions on diet; and

3) access to medical or sanitary facilities, showers, shaving, hygiene products, clothing, bedding, mail, approved religious activities, legal work, or counsel.

(Source: Amended at 44 Ill. Reg. 8246, effective April 28, 2020)