**Section 295.200 Definitions**

Abuse – any physical or mental injury or sexual assault inflicted on a resident, other than by accidental means, in an establishment.

Act – the Assisted Living and Shared Housing Act.

*Activities of daily living – eating, dressing, bathing, toileting, transferring, or personal hygiene.* (Section 10 of the Act)

Adequate – enough in either quantity or quality, as determined by a reasonable person. This determination shall be consistent with current professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative warning – a notice to an establishment issued by the Department under Section 295.1060 that indicates that a situation, condition or practice in the establishment violates the Act or this Part at the level of a Type 3 violation.

Applicant – the individual, partnership, corporation, association, or other person that owns or operates an assisted living or shared housing establishment and applies for a license.

Appropriate – indicates that a requirement is to be applied according to the needs of a particular individual or situation, as determined by a reasonable person. This determination shall be consistent with current professional standards of the subject under review.

Assessment – see Physician's assessment.

*Assisted living establishment or establishment – a home, building, residence, or any other place where sleeping accommodations are provided for at least 3 unrelated adults, at least 80% of whom are 55 years of age or older and where the following are provided consistent with the* purposes *of the Act:*

*services consistent with a social model that is based on the premise that the resident's unit in assisted living and shared housing is his or her own home;*

*community-based residential care for persons who need assistance with activities of daily living, including personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident;*

*mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative; and*

*a physical environment that is a homelike setting that includes the following and such other elements as established by the Department: individual living units each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room readily accessible to each resident. Units shall be maintained for single occupancy except in cases in which 2 residents choose to share a unit. Sufficient common space shall exist to permit individual and group activities.*

*Assisted living establishment or establishment does not mean any of the following:*

*A home, institution, or similar place operated by the federal government or the State of Illinois.*

*A long term care facility licensed under the Nursing Home Care Act, a facility licensed under the Specialized Mental Health Rehabilitation Act of 2013, a facility licensed under the ID/DD Community Care Act, or a facility licensed under the MC/DD Act. However, a facility licensed under any of those Acts may convert distinct parts of the facility to assisted living. If the facility elects to do so, the facility shall retain the Certificate of Need for its nursing and sheltered care beds that were converted.*

*A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.*

*A facility for child care as defined in the Child Care Act of 1969.*

*A community living facility as defined in the Community Living Facilities Licensing Act.*

*A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenets of a well-recognized church or religious denomination.*

*A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.*

*A supportive residence licensed under the Supportive Residences Licensing Act.*

*The portion of a life care facility as defined in the Life Care Facilities Act not licensed as an assisted living establishment under the* Act*; a life care facility may apply under the Act to convert sections of the community to assisted living.*

*A free-standing hospice facility licensed under the Hospice Program Licensing Act.*

*A shared housing establishment.*

*A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.* (Section 10 of the Act)

Chemical restraint – any drug that is used for discipline or convenience and is not required to treat medical symptoms.

Comprehensive assessment – see Physician's assessment.

Contract – a legal document containing all information required by Section 90 of the Act between the resident or his/her representative and the establishment, outlining the rights and responsibilities of both parties.

*Department – the Department of Public Health.* (Section 10 of the Act)

Developmental disability – a severe, chronic disability of a person that:

is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial 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, and economic self-sufficiency; and

reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services that are of lifelong or extended duration and are individually planned and coordinated.

Dietitian – a person who is a licensed dietitian as provided in the Dietitian Nutritionist Practice Act.

Direct care – the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.

Direct care staff – any person who provides assistance with nursing care or assistance with feeding, dressing, movement, bathing or other personal needs to a resident.

Direct supervision – oversight of the establishment by the manager.

*Director – the Director of Public Health* (Section 10 of the Act)

*Emergency situation – imminent danger of death or serious physical harm to a resident of an establishment.* (Section 10 of the Act)

Evaluation or establishment evaluation – a determination by the establishment of a resident's abilities and needs, which takes into account the physician's assessment pursuant to Section 295.4000.

Existing establishment – any establishment initially licensed as a health care facility or approved for construction by the Department, or any establishment initially licensed or operated by any other agency of the State of Illinois, prior to September 1, 2023. Existing establishments shall meet the design and construction standards for existing establishments.

Financial exploitation – the act of obtaining control over the resident or his/her property through deception or intimidation with the intent of depriving the resident of the use, benefit or possession of his/her property.

Financial viability – having sufficient assets to provide mandatory services and utilities for at least a three-month period of time.

Floating License − an assisted living or shared housing establishment license issued by the Department in accordance with Section 295.600 or 295.700 that authorizes the establishment to transfer licensure from one individual living unit to another, in accordance with Section 32 of the Act and Section 295.1110. A floating license applies to *any number of individual living units within the establishment up to, but not including, total capacity*. (Section 32 of the Act)

Full time – on duty a minimum of 36 hours, four days per week.

Governing body – the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of an establishment and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian – a person appointed under the Probate Act of 1975 as a guardian of the person or guardian of the estate, or both, of a resident.

Home health agency – a public agency or private organization that is licensed to provide home health services under the Home Health, Home Services, and Home Nursing Agency Licensing Act.

Intermittent health-related services – health-related services provided episodically, irregularly, or for a limited time period.

*License – any of the following types of licenses issued to an applicant or licensee by the Department:*

*Probationary license – a license issued to an applicant or licensee that has not held a license under* the *Act prior to its application or pursuant to a license transfer in accordance with Section 50 of* the *Act.*

*Regular license – a license issued by the Department to an applicant or licensee that is in substantial compliance with* the *Act and this Part.* (Section 10 of the Act)

*Licensed health care professional – a registered professional nurse, an advanced practice registered nurse, a physician assistant, and a licensed practical nurse* who holds a valid Illinois license under the applicable licensure statute. (Section 10 of the Act)

*Licensee – a person, agency, association, corporation, partnership, or organization that has been issued a license to operate an assisted living or shared housing establishment.* (Section 10 of the Act)

Manager (or director of the establishment) – the individual in charge of overseeing and responsible for the day-to-day operation of the establishment.

*Mandatory services – include the following:*

*3 meals per day available to the residents prepared by the establishment or an outside contractor;*

*housekeeping services including, but not limited to, vacuuming, dusting, and cleaning the resident's unit;*

*personal laundry and linen services available to the residents provided or arranged for by the establishment;*

*security provided 24 hours each day including, but not limited to, locked entrances or building or contract security personnel;*

*an emergency communication response system, which is a procedure in place 24 hours each day by which a resident can notify building management, an emergency response vendor, or others able to respond to his or her need for assistance; and*

*assistance with activities of daily living as required by each resident.* (Section 10 of the Act)

*Medication administration – refers to a licensed health care professional employed by the establishment engaging in administering routine insulin and vitamin B-12 injections, oral medications, topical treatments, eye and ear drops, or nitroglycerine patches.* (Section 70 of the Act)

*Medication reminders – reminding residents to take pre-dispensed, self administered medication, observing the resident, and documenting whether or not the resident took the medication.* (Section 70 of the Act)

Neglect – a failure by the establishment to provide services, as outlined in the service delivery contract; a failure to notify the appropriate health care professional that an assessment is necessary in accordance with the service plan; a failure to modify a service plan, as appropriate, based on a new physician's assessment; or a failure to terminate the residency of an individual whose needs can no longer be met by the establishment, which failure results in an avoidable decline in function.

*Negotiated risk – the process by which a resident, or his or her representative, may formally negotiate with providers what risks each are willing and unwilling to assume in service provision and the resident's living environment. The provider assures that the resident and the resident's representative, if any, are informed of the risks of these decisions and of the potential consequences of assuming these risks.* (Section 10 of the Act)

Negotiated risk agreement – a binding agreement, in compliance with Section 295.2070, describing conditions or situations that could put the resident at risk of harm or injury, and describing the resident's agreement with the establishment for how those conditions or situations are to be handled.

New establishment – any establishment initially licensed as a health care facility or approved for construction by the Department, or any establishment initially licensed or operated by any other agency of the State of Illinois, on or after September 1, 2023. New establishments shall meet the design and construction standards for new establishments.

Nonmedical services – optional services such as, but not limited to, transportation; social, recreational, educational, and religious services; and shopping.

Nurse – a registered nurse or a licensed practical nurse as defined in the Nurse Practice Act.

Operator – the person responsible for the control, maintenance and governance of the establishment, its personnel and physical plant.

*Optional services –* may include but are not limited to *medication reminders, supervision of self-administered medication, medication administration and nonmedical services.* (Section 70 of the Act)

Other resident injury – occurs when a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

*Owner – the individual, partnership, corporation, association, or other person who owns an assisted living or shared housing establishment. In the event an assisted living or shared housing establishment is operated by a person who leases or manages the physical plant, which is owned by another person, "owner" means the person who operates the assisted living or shared housing establishment, except that if the person who owns the physical plant is an affiliate of the person who operates the assisted living or shared housing establishment and has significant control over the day to day operations of the assisted living or shared housing establishment, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under* the *Act.* (Section 10 of the Act)

Person – any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity.

Physical restraint – any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, that the individual cannot remove easily and that restricts freedom of movement or normal access to one's body.

*Physician – a person licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches.* (Section 10 of the Act)

Physician's assessment – *a comprehensive assessment that includes an evaluation of the resident's or prospective resident's physical, cognitive, and psychosocial condition, completed by a physician.* (Section 15 of the Act)

Residency termination – the relocation or transfer of a resident from an establishment.

*Resident – a person residing in an assisted living or shared housing establishment.* (Section 10 of the Act)

*Resident's representative – a person, other than the owner, agent, or employee of an establishment or of the health care provider unless related to the resident, designated in writing by a resident to be his or her representative. This designation may be accomplished through the Illinois Power of Attorney Act, pursuant to the guardianship process under the Probate Act of 1975, or pursuant to an executed designation of representative form specified by the Department.* (Section 10 of the Act)

Risk management – the process by which an establishment assesses and addresses potential liability.

*Self – the individual or the individual's designated representative*. (Section 10 of the Act)

*Service plan – a written plan developed and mutually agreed upon by the provider and the resident; which shall be reviewed annually, or more often as the resident's condition, preferences, or service needs change;* and which *shall serve as a basis for the service delivery contract between the provider and the resident.* (Section 15 of the Act)

*Severe mental illness – a condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V), where the individual is a person with a substantial disability due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work skills, and the disability specified is expected to be present for a period of not less than one year, but does not mean Alzheimer's disease and other forms of dementia based on organic or physical disorders.* (Section 75(a)(6) of the Act)

*Shared housing establishment or establishment – a publicly or privately operated free-standing residence for 16 or fewer persons, at least 80% of whom are 55 years of age or older and who are unrelated to the owners and one manager of the residence, where the following are provided:*

*services consistent with a social model that is based on the premise that the resident's unit is his or her own home;*

*community-based residential care for persons who need assistance with activities of daily living, including housing and personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident; and*

*mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or the resident's representative.*

*Shared housing establishment or establishment does not mean the following:*

*A home, institution, or similar place operated by the federal government or the State of Illinois.*

*A long term care facility licensed under the Nursing Home Care Act, a facility licensed under the Specialized Mental Health Rehabilitation Act of 2013, a facility licensed under the ID/DD Community Care Act, or a facility licensed under the MC/DD Act.* *A facility licensed under any of those Acts may, however, convert sections of the facility to assisted living. If the facility elects to do so, the facility shall retain the Certificate of Need for its nursing beds that were converted.*

*A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.*

*A facility for child care as defined in the Child Care Act of 1969.*

*A community living facility as defined in the Community Living Facilities Licensing Act.*

*A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or* tenets *of a well-recognized church or religious denomination.*

*A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.*

*A supportive residence licensed under the Supportive Residences Licensing Act.*

*A life care facility as defined in the Life Care Facilities Act; a life care facility may apply under the Act to convert sections of the community to assisted living.*

*A free-standing hospice facility licensed under the Hospice Program Licensing Act.*

*An assisted living facility.*

*A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.* (Section 10 of the Act)

Sheltered care facility – a location licensed as a sheltered care facility under the Nursing Home Care Act.

Significant change in the resident's condition – a change in the resident's condition that is substantial enough to indicate to a reasonable person that current supports and services are insufficient, taking into account the resident's wishes as addressed in any negotiated risk agreements in effect. A significant change is not a temporary change in the individual's health with a predictable course, such as a cold or the gradual deterioration in the ability to carry out activities of daily living that accompanies the aging process.

Substantial compliance – meeting requirements, except for unimportant omissions or defects, given the particular circumstances involved.

Substantial failure – the failure to meet requirements, other than unimportant omissions or defects, given the particular circumstances involved.

Sufficient – same as adequate.

*Supervision of self-administered medication – assisting the resident with self-administered medication using any combination of the following: reminding residents to take medication, reading the medication label to residents, checking the self-administered medication dosage against the label of the medication, confirming that residents have obtained and are taking the dosage as prescribed, and documenting in writing that the resident has taken (or refused to take) the medication. If residents are physically unable to open the container, the container may be opened for them. Supervision of self-administered medication shall be under the direction of a licensed health care professional.* (Section 70 of the Act)

*Total assistance – staff or another individual performs the entire activity of daily living without participation by the resident*. (Section 10 of the Act)

Unit – a separate and physically identifiable space that is used for occupancy.

Valid license – a license that is unsuspended, unrevoked, and unexpired.

(Source: Amended at 47 Ill. Reg. 13264, effective August 30, 2023)