**Section 340.1000 Definitions**

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

 *Abuse − any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility.* (Section 1-103 of the Act)

 Abuse means:

 Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

 Mental injury arises from the following types of conduct:

 Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

 Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

 Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

 Sexual assault.

 *Access − The right to:*

 *Enter any facility;*

 *Communicate privately and without restriction with any resident who consents to the communication;*

 *Seek consent to communicate privately and without restriction with any resident;*

 *Inspect the clinical and other records of a resident with the express written consent of the resident;*

 *Observe all areas of the facility except the living area of any resident who protests the observation.* (Section 1-104 of the Act)

 Act − as used in this Part, the Nursing Home Care Act [210 ILCS 45].

 Activity Program − a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

 Adaptive Behavior − the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

 Adaptive Equipment − a physical or mechanical device, material or equipment attached or adjacent to the resident's body that may restrict freedom of movement or normal access to one's body, the purpose of which is to permit or encourage movement, or to provide opportunities for increased functioning, or to prevent contractures or deformities. Adaptive equipment is not a physical restraint. No matter the purpose, adaptive equipment does not include any device, material or method described in Section 340.1580 as a physical restraint.

 Adequate − enough in either quantity or quality, as determined by a reasonable person familiar with the 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 a facility issued by the Department under Section 340.1220 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a Type AA, Type A, Type B, or Type C violation.

 Administrator − the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

 Advocate − a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

 *Affiliate − means:*

 *With respect to a partnership, each partner thereof.*

 *With respect to a corporation, each officer, director and stockholder thereof.*

 *With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder.* (Section 1-106 of the Act)

 Aide − any person providing direct personal care, training or habilitation services to residents.

 *Applicant – any person making application for a license.* (Section 1-107 of the Act)

 Appropriate − term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

 Assessment − the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

 Audiologist − a person who is licensed as an audiologist under the Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].

 Autoclave − an apparatus for sterilizing by superheated steam under pressure.

 Certification for Title XVIII and XIX − the issuance of a document by the Department to the Department of Health and Human Services or the Department of Healthcare and Family Services verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific federal or State health program.

 Charge Nurse − a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

 *Chemical Restraint − any drug that is used for discipline or convenience and is not required to treat medical symptoms* or behavior manifestations of mental illness. (Section 2-106 of the Act)

 Continuing Care Contract − a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

 Contract − a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

 Convenience − the use of any restraint by the facility to control resident behavior or maintain a resident, that is not in the resident's best interest, and with less use of the facility's effort and resources than would otherwise be required by the facility. This definition is limited to the definition of chemical restraint and Section 340.1580 of this Part.

 Corporal Punishment − painful stimuli inflicted directly upon the body.

 Cruelty and Indifference to Welfare of the Resident − failure to provide a resident with the care and supervision he or she requires, or the infliction of mental or physical abuse.

 Dentist − any person licensed to practice dentistry, including persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act [225 ILCS 25].

 Department − as used in this Part means the Illinois Department of Public Health.

 *Developmental Disability − means a severe, chronic disability of a person which:*

 *is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;*

 *is manifested before the person attains age 22;*

 *is likely to continue indefinitely;*

 *results in substantial functional limitations in 3 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 combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated.* (Section 3-801.1 of the Act)

 Dietetic Service Supervisor − a person who:

 is a dietitian; or

 is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

 has successfully completed a Dietary Manager's Association approved dietary managers course; or

 is certified as a dietary manager by the Dietary Manager's Association; or

 has training and experience in food service supervision and management in a military service equivalent in content to the programs in the second, third or fourth paragraph of this definition.

 Dietitian − a person who is a licensed dietitian as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30].

 Direct Supervision − work performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

 *Director − the Director of the Department of Public Health or designee.* (Section 1-110 of the Act)

 Director of Nursing Service − the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

 *Discharge − the full release of any resident from a facility.* (Section 1-111 of the Act)

 Discipline − any action taken by the facility for the purpose of punishing or penalizing residents.

 Distinct Part − an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

 *Emergency − a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.* (Section 1-112 of the Act)

 Existing Long-Term Care Facility − any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

 *Facility or Long-term Care Facility − A private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code* [55 ILCS 5]*, or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act* (42 USCA 1395 et seq. and 1936 et seq.). *It also includes homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs.* A "facility" may consist of more than one building as long as the buildings are on the same tract or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. *"Facility" does not include the following:*

 *A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois other than homes, institutions or other places operated by or under the authority of the Illinois Department of Veterans' Affairs;*

 *A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care and treatment of human illness through the maintenance and operation as organized facilities therefor, which is required to be licensed under the Hospital Licensing Act* [210 ILCS 85];

 *Any "facility for child care" as defined in the Child Care Act of 1969* [225 ILCS 10];

 *Any "community living facility" as defined in the Community Living Facilities Licensing Act* [210 ILCS 35];

 *Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act* [210 ILCS 140];

 *Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;*

 *Any 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* [210 ILCS 135];

 *Any supportive residence licensed under the Supportive Residences Licensing Act* [210 ILCS 65];

 *Any supportive living facility in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code* [305 ILCS 5/5-5.01a];

 *Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act* [210 ILCS 9];

 *An Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act* [210 ILCS 3]; or

*A facility licensed under the MR/DD Community Care Act* [210 ILCS 47]. (Section 1-113 of the Act)

 Financial Resources − having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

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

 Goal − an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

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

 Guardian − a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975. (Section 1-114 of the Act)

 Health Information Management Consultant − a person who is certified as a Registered Health Information Administrator (RHIA) or a Registered Health Information Technician (RHIT) by the American Health Information Management Association; or is a graduate of a school of health information management that is accredited jointly by the American Medical Association and the American Health Information Management Association.

 *High Risk Designation – a violation*, as described in Section 340.1245(i), *of a provision that has been identified by the Department* in Section 340.1245(j) *to be inherently necessary to protect the health, safety, and welfare of a resident.* (Section 1-114.005 of the Act)

 Hospitalization − the care and treatment of a person in a hospital as an in-patient.

*Identified Offender* − *a person who:*

*Has been convicted of, found guilty of, adjudicated delinquent for, found not guilty by reason of insanity for, or found unfit to stand trial for, any felony offense listed in Section 25 of the Health Care Worker Background Check Act, except for the following: a felony offense described in Section 10-5 of the Nurse Practice Act; a felony offense described in Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card Act; a felony offense described in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control Act; a felony offense described in Section 401, 401.1, 404, 405.1, 407, or 407.1 of the Illinois Controlled Substances Act; and a felony offense described in the Methamphetamine Control and Community Protection Act*; or

*Has been convicted of, adjudicated delinquent for, found not guilty by reason of insanity for, or found unfit to stand trial for, any sex offense as defined in subsection (c) of Section 10 of the Sex Offender Management Board Act*; or

*Any other resident as determined by the Department of State Police.* (Section 1-114.01 of the Act)

 Illinois Veterans' Home − a facility *operated by or under the authority of the Illinois Department of Veterans' Affairs.* (Section 1-113(1) of the Act)

 Interdisciplinary Team − a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. The Interdisciplinary Team includes at least the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

 Licensed Nursing Home Administrator − a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act.

 Licensed Practical Nurse − a person with a valid Illinois license to practice as a practical nurse.

 *Licensee − the person or entity licensed to operate the facility as provided under the Act.* (Section 1-115 of the Act)

 Life Care Contract − a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

 *Maintenance − food, shelter, and laundry services.* (Section 1-116 of the Act)

 Misappropriation of Property − using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

 Monitor − a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

 *Neglect − a facility's failure to provide, or willful withholding of, adequate medical care, mental health treatment, psychiatric rehabilitation, personal care, or assistance with activities of daily living that is necessary to avoid physical harm, mental anguish, or mental illness of a resident.* (Section 1-117 of the Act) This shall include any allegation in which:

 the alleged failure causing injury or deterioration is ongoing or repetitious; or

 a resident required medical treatment as a result of the alleged failure; or

 the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

 *Nurse − a registered nurse or a licensed practical nurse as defined in the* Nurse *Practice Act*. (Section 1-118 of the Act)

 Nursing Care − a complex of activities that carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect to safeguard life and health.

 Objective − an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

 Occupational Therapist, Registered (OTR) − a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act.

 Occupational Therapy Assistant − a person who is registered as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

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

 Other Resident Injury − occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

 Oversight − general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

 *Owner − the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, 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 1-119 of the Act)

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

*Personal Care − assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his person, whether or not a guardian has been appointed for such individual.* (Section 1-120 of the Act)

 Pharmacist, Registered − a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987.

 *Physical Restraint − any manual method or physical or mechanical device, material, or equipment attached or adjacent to a resident's body that the resident cannot remove easily and which restricts freedom of movement or normal access to one's body.* (Section 2-106 of the Act)

 Physical Therapist Assistant − a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

 Physical Therapist − a person who is registered as a physical therapist under the Illinois Physical Therapy Act.

 Physician − any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987.

 Probationary License − an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

*Provisional Admission Period – the time between the admission of an identified offender as defined in Section 1-114.01* of the Act and this Section*, and 3 days following the admitting facility's receipt of an Identified Offender Report and Recommendation in accordance with Section 2-201.6* of the Act*.* (Section 1-120.3 of the Act)

*Psychiatric Services Rehabilitation Aide – an individual employed by a long-term care facility to provide, for mentally ill residents, at a minimum, crisis intervention, rehabilitation, and assistance with activities of daily living.* (Section 1-120.7 of the Act)

 Psychiatrist − a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

 Psychologist − a person who is licensed to practice clinical psychology under the Clinical Psychologist Licensing Act.

 Qualified Professional − a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

 *Reasonable Visiting Hours − any time between the hours of 10 a.m. and 8 p.m. daily.* (Section 1-121 of the Act)

 Registered Nurse − a person with a valid license to practice as a registered professional nurse under the Nurse Practice Act.

 *Repeat Violation − for purposes of assessing fines under Section* 3-305 of the Act*, a violation that has been cited during one inspection of the facility for which* a subsequent inspection indicatesthat *an accepted plan of correction was not complied with,* within a period of not more than 12 months from the issuance of the initial violation. *A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility.* (Section 3-305(7) of the Act)

 *Resident − person receiving personal or medical care, including but not limited to mental health treatment, psychiatric rehabilitation, physical rehabilitation, and assistance with activities of daily living, from a facility.* (Section 1-122 of the Act)

 Resident Services Director − the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

 *Resident's Representative − a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his* or her *representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed.* (Section 1-123 of the Act)

 Restorative Care − a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

 Sanitization − the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

 Satisfactory − same as adequate.

 Seclusion − the retention of a resident alone in a room with a door which the resident cannot open.

 Self Preservation − the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

 Social Worker − a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act.

 State Fire Marshal − the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

 Sterilization − the act or process of destroying completely all forms of microbial life, including viruses.

 *Stockholder of a Corporation − any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation.* (Section 1-125 of the Act)

*Student Intern − means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:*

*an academic credit requirement in a high school or undergraduate institution; or*

*immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment.* (Section 1-125.1 of the Act)

 Substantial Failure − the failure to meet requirements other than a variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 340.1130(b)(1).

 Sufficient − same as adequate.

 Supervision − authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two-year training program) qualifications specified in these definitions.

 Therapeutic Recreation Specialist − a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

 Time Out − removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

 *Title XVIII − Title XVIII of the Federal Social Security Act as now or hereafter amended.* (Section 1-126 of the Act)

 *Title XIX − Title XIX of the Federal Social Security Act as now or hereafter amended.* (Section 1-127 of the Act)

 *Transfer − a change in status of a resident's living arrangements from one facility to another facility.* (Section 1-128 of the Act)

*Type AA violation – a violation of* the *Act or* this Part *which creates a condition or occurrence relating to the operation and maintenance of a facility that proximately caused a resident’s death.* (Section 1-128.5 of the Act)

 *Type A Violation − a violation of* the *Act or* this Part that *creates a condition or occurrence relating to the operation and maintenance of a facility that creates a substantial probability that the risk of death or serious mental or physical harm to a resident will result therefrom or has resulted in actual physical or mental harm to a resident.* (Section 1-129 of the Act)

 *Type B Violation − a violation of* the *Act or* this Part that *creates a condition or occurrence relating to the operation and maintenance of a facility that is more likely than not to cause more than minimal physical or mental harm to a resident.* (Section 1-130 of the Act)

*Type C Violation – a violation of* the *Act or* this Partthat *creates a condition or occurrence relating to the operation and maintenance of a facility that creates a substantial probability that less than minimal physical or mental harm to a resident will result therefrom.* (Section 1-130 of the Act)

 Universal Progress Notes − a common record with periodic narrative documentation by all persons involved in resident care.

 Valid License − a license that is unsuspended, unrevoked and unexpired.

(Source: Amended at 35 Ill. Reg. 11896, effective June 29, 2011)