**Section 350.630 Admission, Retention and Discharge Policies**

a) All involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act.

b) Only residents who have had a comprehensive evaluation covering physical, emotional, social and cognitive factors, conducted by an appropriately constituted interdisciplinary team shall be admitted.

c) No resident determined by professional evaluation to be in need of skilled level of nursing care shall be admitted to, or kept in, an Intermediate Care Facility, or Intermediate Care Facility for the Developmentally Disabled, or any distinct part of the facility designated and classified for intermediate care for the developmentally disabled.

d) Each facility shall have a policy concerning the admission of persons needing prenatal or maternity care, and a policy concerning the keeping of these persons who become pregnant while they are residents of the facility. If these policies permit these persons to be admitted to or kept in the facility, then the facility shall have a policy concerning the provision of adequate and appropriate prenatal and maternity care to these individuals from in-house or outside resources.

e) A facility for infants and children under 18 years of age shall be used exclusively for children. Persons under 18 years of age may not be cared for in a facility for adults without prior approval from the Department. This approval will be granted only when it is the best possible placement for the person under the particular set of circumstances.

f) A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident or, if the resident is incompetent, by the resident's guardian.

g) If a resident insists on being discharged and is discharged against the advice of a physician or a Qualified Intellectual Disability Professional, the facts involved in the situation shall be fully documented in the resident's clinical record.

h) No resident shall be discharged without the concurrence of the attending physician.

i) No resident shall be admitted with a communicable, contagious or infectious disease except as set forth in Section 350.1223 of this Part.

j) A facility shall not admit more residents than the number authorized by the license issued to it.

k) No identified offender shall be admitted to or kept in a facility, unless the requirements of Section 350.625 for new admissions and the requirements of Section 350.635 are met.

l) *Upon a finding by the Department that there has been a substantial failure to comply with* the *Act and Section 350.165, including, without limitation, the circumstances set forth in subsection (a) of Section 3-119 of* the *Act, or if the Department otherwise finds that it would be in the public interest or the interest of the health, safety, and welfare of facility residents, the Department may impose a ban on new admissions to any facility licensed under* the *Act. The ban shall continue until the Department determines that the circumstances giving rise to the ban no longer exist.* (Section 3-119.1(a) of the Act)

m) *The Department shall provide notice to the facility and licensee of any ban imposed pursuant to* subsection (l) and Section 350.165. *The notice shall provide a clear and concise statement of the circumstances on which the ban on new admissions is based and notice of the opportunity for a hearing.* (Section 3-119.1(b) of the Act)

n) *If the Department finds that the public interest or the health, safety, or welfare of facility residents imperatively requires immediate action and if the Department incorporates a finding to that effect in its notice* per subsection (m)*, then the ban on new admissions may be ordered pending any hearing requested by the facility.* (Section 3-119.1(b) of the Act)

(Source: Amended at 48 Ill. Reg. 2546, effective January 30, 2024)