**Section 370.240 Definitions**

Each definition is considered to be a separate rule, but they are not given individual numbers because they are listed alphabetically, and numbers would have to be changed each time a new definition was added or deleted.

"Abuse" – as defined by The Abused and Neglected Long Term Care Facility Residents Reporting Act (Ill. Rev. Stat., ch. 111½, par. 4163).

"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.

"Act" – as used in these standards, the "Community Living Facilities Licensing Act."

"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/her age and cultural group.

"Addition" – any construction attached to the original building which increases the area or cubic content of the building.

"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.

*"Adult" – A person eighteen (18) years or older.*

"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.

"Aide or Orderly" – any person providing direct personal care, training and/or habilitation services to residents.

"Alteration" – any construction change or modification of an existing building which does not increase the area or cubic content of the building.

"Ambulatory Resident" – a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

*"Applicant" – Any person, agency, association, corporation, partnership or organization making application for a license.*

*"Appropriate Programming" – term used to indicate programming which meets each resident's individual needs commensurate with his functioning level.*

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

"Audiologist" – a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

"Basement" – when used in these regulations means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

"Behavior Modification" – treatment to be used to establish or change behavior patterns.

"Community Alternatives" – service programs in the community provided as an alternative to institutionalization.

"Community Living Facility" – see Facility, Community Living.

"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 requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and placing the resident in seclusion.

*"Department" – as used in these standards means the Illinois Department of Public Health.*

"Developmental Disability" – as defined by Ill. Rev. Stat. 1979, ch. 91 1/2, par. 1-106, as amended.

"Developmentally Disabled" – those individuals who have a developmental disability.

"Dietitian" – a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one (1) year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

"Direct Supervision" – means that work is 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 public health.*

"Discharge" – the full release of any resident from a facility.

"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.

Existing Community Living 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 January 1, 1982. Existing facilities shall meet the design and construction standards for existing Community Living Facilities.

*"Facility, Community Living" – a transitional residential setting which provides guidance, supervision, training and other assistance to ambulatory, mildly and moderately developmentally disabled adults with the goal of eventually moving these persons to more independent living arrangements. Residents are required to participate in day activities, such as vocational training, sheltered workshops or regulate employment. A community living facility shall not be a nursing or medical facility and shall house no more than 20 residents, excluding staff,* except as provided for in Section 18 of the "Community Living Facilities Licensing Act," approved September 23, 1981, as amended by Public Act 82-745.

"Financial Responsibility" – sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two (2) month period of time.

"Food Service Sanitation Rules and Regulations" – The following definitions are to be used with the "Rules and Regulations for Food Service Sanitation" (77 Ill. Adm. Code 750) as contained in Section 370.1460 of this Part.

"Closed" means without openings large enough for the entrance of insects. An opening of 1/32 inch or less is closed.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of the use environment.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

"Equipment" means stoves, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food service establishment.

"Food" means any raw, cooked, or processed edible substance, beverage or ingredients including ice used or intended for use or for sale in whole or in part for human consumption.

 "Food contact surfaces" means those surfaces or equipment and utensils with which food normally comes in contact and those surfaces with which food may come in contact and drain back into food or onto surfaces normally in contact with food.

"Kitchenware" means all multi-use utensils other than tableware.

"Packaged" means bottled, canned, cartoned, or securely wrapped.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and which is capable of supporting rapid progressive growth of infectious or toxigenic microorganisms. This term does not include clean, whole, uncracked, odor-free shell eggs.

"Safe" means materials manufactured from or composed of materials that are not food additives or color additives as defined in Section 201(s) or (t) of the "Federal Food, Drug and Cosmetic Act" (21 U.S.C. 352 et seq.) as used, or are food additives or color additives so defined and are used in conformity with regulations established pursuant to Section 409 or Section 706 of that Act.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles designed for one-time, one-person use and then discarded.

"Tableware" means multi-use eating and drinking utensils used or designed for direct use by the food consumer.

"Utensil" means any implement (knives, forks, spoons, tongs, spatulas, scoops, pots and pans, etc.) used in the storage, preparation, transportation, or service of food.

"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.

"Habilitation" – an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

"Habilitation Plan" – a written plan directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning.

"House Manager" – a qualified person on duty forty (40) hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

"Individual Educational Program (IEP)" – a written statement for each resident that provides for specific education and related services. The Individual Educational Program may be incorporated into the Individual Habilitation Plan (IHP).

"Individual Habilitation Plan (IHP)" – a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

"Institutional Occupancy" – when used in these regulations means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

"License" – either probationary or regular as defined in the "Community Living Facilities Licensing Act."

"Licensed Practical Nurse" – a person who is licensed to practice practical nursing under the "Illinois Nursing Act," as now or hereafter amended.

*"Licensee" – A person, agency, association, corporation, partnership, or organization which has been issued a license to operate a community living facility.*

"Maladaptive Behavior" – impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

"Mental Retardation" – as defined by Ill. Rev. Stat. 1979, ch. 91½, par. 1-116.

"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.

"Neglect" – as defined by Ill. Rev. Stat., ch. 111½, par. 4163.

"New Community Living Facility" – any facility initially licensed as a health care facility by the Department on or after January 1, 1982. New facilities shall meet the design and construction standards for new Community Living Facilities.

"Normalization" – the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

"Nurse" – see Registered Nurse or Licensed Practical Nurse.

"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 a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association; or is eligible for certification by the American Occupational Therapy Association.

"Occupational Therapy Assistant" – a person who is eligible for certification as a certified occupational therapy assistant (COTA) by the American Occupational Therapy Association.

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

"Oversight" – general watchfulness and appropriate action 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.*

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

"Person in Need of Mental Treatment" – any person who is mentally ill and who, because of his or her illness, is reasonably expected to inflict serious physical harm upon him or herself or another in the near future or is unable to provide for his or her basic physical needs so as to guard him or herself from serious harm.

"Personal Care" – assistance with meals, dressing, movement, bathing, or other personal needs, or general supervision and oversight of the physical and mental well-being of an individual, exclusive of nursing.

"Pharmacist, Registered" – a person who is registered to practice pharmacy under the "Pharmacy Practice Act" (Ill. Rev. Stat. 1979 ch. 111, par. 4001 et seq.) as now or hereafter amended.

"Physician" – any person licensed by the State of Illinois to practice medicine in all its branches as provided in the "Medical Practice Act" (Ill. Rev. Stat. 1979, ch. 111, pars. 4401 et seq.).

"Probationary License" – an initial license issued for a period not to exceed six (6) months.

"Program Coordinator" – a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

"Psychiatrist" – a physician who has had at least three (3) years of formal training or primary experience in the diagnosis and treatment of mental illness.

"Psychologist" – a person who is registered with the Illinois Department of Registration and Education to practice clinical psychology.

"Qualified Mental Retardation Professional" – a person who is:

• an educator with a degree in education from an accredited program and with specialized training or one (1) year of experience in working with the mentally retarded; or

• a physical or occupational therapist who has specialized training or one (1) year of experience in treating the mentally retarded; or

• a physician licensed by the State of Illinois to practice medicine or osteopathy and with specialized training or one (1) year of experience in treating the mentally retarded; or . a psychologist registered with the State of Illinois Department of Registration and Education in accordance with the "Psychologist's Registration Act" (Ill. Rev. Stat. 1979, ch. 111, pars. 5301 et seq.) and with specialized training or one (1) year of experience in treating the mentally retarded; or

• a registered nurse with a valid current Illinois registration to practice as a registered professional nurse who has specialized training or one (1) year of experience in treating the mentally retarded; or

• a speech pathologist or audiologist who has specialized training or one (1) year of experience in treating the mentally retarded; or

• a registered social worker with a Bachelor's Degree in social work from an accredited program, or a Bachelor's Degree in a field other than social work and at least three (3) years social work experience under the supervision of a qualified social worker, and with specialized training or with one (1) year of experience in working with the mentally retarded; or

• a therapeutic recreation specialist who is a graduate of an accredited program and eligible for registration in the National Therapeutic Recreation Society, and who has specialized training or one (1) year experience in working with the mentally retarded; or

• a rehabilitation counselor who is certified by the Commission on Rehabilitation Counselor Certification and who has specialized training or one (1) year of experience in treating the mentally retarded.

"Registered Nurse" – a person who is licensed to practice nursing under the "Illinois Nursing Act" (Ill. Rev. Stat. 1979, ch. 111, pars. 3401 et seq.) as now or hereafter amended.

"Reputable Moral Character" – having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two (2) or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

*"Resident" – a person residing in a community living 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 representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed.

"Restraint of a Resident" – the application of a device to limit movements.

"Room" – a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

"Satisfactory" – same as Adequate.

"Seclusion" – the retention of a resident in a room which he cannot open.

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

"Sheltered care" – maintenance and personal care.

"Social Worker, Qualified" – a person who:

is licensed by the State of Illinois (registered or certified by the Illinois Department of Registration and Education); and

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and has one (1) year of social work experience in a health care setting.

"State Fire Marshal" – the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

"Story" – when used in these regulations means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

"Sufficient" – same as Adequate

"Supervision" – authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his/her sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant level (two (2) year training program) qualifications specified in these definitions.

*"Support Services" – those services provided to residents in order to facilitate their integration into the community and to improve their level of functioning, independence, and self-respect.*

"Therapeutic Recreation Specialist" – a person who is registered with the National Therapeutic Recreation Society 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.

"Transfer" – a change in status of a resident's living arrangements from one facility to another facility.

"Valid License" – a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 8 Ill. Reg. 24268, effective November 29, 1984)