**Section 390.330 Definitions**

The terms defined in this Section are terms that are used in licensing standards established by the Department to license medically complex for the developmentally disabled facilities. 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;* or

*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 MC/DD 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 the individual's 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 390.1310 as a physical restraint.

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

Adequate or Satisfactory or Sufficient – 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 390.277 and section 3-303.2 of the Act that indicates that *a situation, condition or practice that violates* the *Act or* the Department's administrative rules, but *does not constitute a Type "AA", Type "A", Type "B", or Type "C" violation*.

Administrator – *a person who is charged with the general administration and supervision of a facility and licensed, if required, under the Nursing Home Administrators Licensing and Disciplinary Act*. (Section 1-105 of the Act)

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 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 or Orderly – any person providing direct personal care, training 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 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.

Approved – acceptable to the authority having jurisdiction.

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 Illinois Speech-Language Pathology and Audiology Practice Act.

Autism Spectrum Disorder – a disorder that is characterized by persistent deficits in social communication and social interaction across multiple contexts, including deficits in social reciprocity, nonverbal communicative behaviors used for social interactions, and skills in developing, maintaining, and understanding relationships. In addition to the social communication deficits, the diagnosis of autism spectrum disorder requires the presence of restricted, repetitive patterns of behavior, interests, or activities.

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

Basement – when used in this Part, any story or floor level below the main or street floor. Where, due to grade difference, two levels each qualify 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.

Cerebral Palsy – a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, developmental disability, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX – the issuance of a document by the Department to the U.S. 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.

Certified Nursing Assistant – any person who meets the requirements of 77 Ill. Adm. Code 395 and who provides nursing care or personal care to residents of facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Financial and Professional Regulation to render medical care. Nursing assistants shall function under the supervision of a licensed nurse.

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 shift.

*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) For the purposes of this term and its use in Section 390.1310, "convenience" means 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.

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

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.

Dentist – any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act.

*Department* – *the Department of Public Health*. (Section 1-109 of the Act)

Developmental Disabilities (DD) Aide – any person who provides nursing, personal or habilitative care to residents of Medically Complex for the Developmentally Disabled Facilities, regardless of title, and who is not otherwise licensed, certified or registered to render medical care. Other titles often used to refer to DD Aides include, but are not limited to, Direct Support Persons, Program Aides, and Program Technicians. DD Aides shall function under the supervision of a licensed nurse or a Qualified Intellectual Disabilities Professional (QIDP).

*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 intellectual disability, cerebral palsy, epilepsy, autism spectrum disorder;

*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 that 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;

is a graduate of a dietetic and nutrition school or program authorized by the Accreditation Council for Education in Nutrition and Dietetics, the Academy of Nutrition and Dietetics, or the American Clinical Board of Nutrition;

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 that included consultation from a dietitian;

has successfully completed an Association of Nutrition & Foodservice Professionals approved Certified Dietary Manager or Certified Food Protection Professionals course;

is certified as a Certified Dietary Manager or Certified Food Protection Professional by the Association of Nutrition & Foodservice Professionals; 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 licensed as a dietitian or a licensed dietitian nutritionist under the Dietitian Nutritionist Practice Act.

Direct Supervision – 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.

Direct Support Person (DSP) (or Direct Support Professional or Direct Service Provider) – any person who provides habilitative care, services or support to individuals with developmental disabilities and is listed on the Department's Health Care Worker Registry. DSPs shall function under the supervision of a Qualified Intellectual Disabilities Professional (QIDP) or a Licensed or Registered Professional Nurse. Other titles often used to refer to Direct Support Persons include, but are not limited to, Developmental Disabilities (DD) Aide, Mental Health Technician, Program Aide or Program Technician.

*Director – the Director of Public Health or* *his or her designee.* (Section 1-110 of the Act)

Director of Nursing Service – the full-time Registered Professional 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.

*Distressed facility – a facility determined by the Department to be a distressed facility pursuant to Section 3-304.2 of* the *Act.* (Section 1-111.05 of the Act) A facility that has committed violations or that the Department has cited for deficiencies that resulted in harm to a resident will be designated as a distressed facility by the Department according to the methodology described in Section 390.185.

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

Epilepsy – a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Existing 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 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 MC/DD Facility – a medically complex for the developmentally disabled facility, whether operated for profit or not, that provides, through its ownership or management, personal care or nursing for 3 or more persons not related to the applicant or owner by blood or marriage.* 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;*

*Any "facility for child care" as defined in the Child Care Act of 1969;*

*Any "community living facility" as defined in the Community Living Facilities Licensing Act*;

*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, the 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;*

*Any facility licensed under the Nursing Home Care Act;*

*Any ID/DD facility under the ID/DD Community Care Act;*

*Any "supportive residence" licensed under the Supportive Residences Licensing Act;*

*Any supportive living facility in good standing with the program established under Section 5-5.01a* *of the* *Illinois Public Aid Code, except only for purposes of the employment of persons in accordance with Section 3-206.01* of the Act*;*

*Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act, except only for purposes of the employment of persons in accordance with Section 3-206.01* of the Act*;*

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

*A home, institution, or other place operated by or under the authority of the Illinois Department of Veterans' Affairs*. (Section 1-113 of the Act)

Financial Responsibility – 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)

*Habilitation* – *an effort directed 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, employment services, protective services, and counseling.* (Section 1-114.001 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.

Health Services Supervisor (Director of Nursing Service) – the full-time Registered Professional Nurse who is directly responsible for the immediate supervision of the health services in a facility.

*High-Risk Designation – a designation*,as described in Section 390.282(j), *that has been identified by the Department* *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 inpatient.

*Identified offender – a person who meets any of the following criteria:*

*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, 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.*

*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.*

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

*Immediate Family* – *the spouse, an adult child, a parent, an adult brother or sister, or an adult grandchild of a person*. (Section 1-114.1 of the Act)

Individual Habilitation Plan or 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.

Intellectual Disability or Intellectually Disabled – a disorder with onset during the developmental period that includes both intellectual and adaptive functioning deficits in conceptual, social, and practical domains. The essential features of intellectual disability are deficits in general intellectual abilities and impairment in everyday adaptive functioning.

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 nurse with responsibility for the resident, 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 the resident's 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 – see "Administrator".

Licensed Practical Nurse – a person with a valid Illinois license to practice as a practical nurse under the Nurse Practice Act.

*Licensee – the individual or entity licensed by the Department to operate the facility.* (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)

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.

Medically complex – a term used when a child has a medical condition, or multiple medical conditions, that require ongoing specialized care. The medical condition may vary from rare illnesses, to premature birth, or incidents involving physical trauma.

*Misappropriation of a Resident's Property* – *the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a resident's belongings or money without the resident's consent* or the consent of a resident's guardian or representative. Misappropriation of a Resident's Property includes 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. (Section 1-116.5 of the Act)

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 report periodically to the Department on the operations of the facility.

*Neglect – a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition.* (Section 1-117 of the Act) This shall include any allegation in which:

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

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.

New Facility – any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

*Nurse –* an advanced practice registered nurse, *a registered* professional *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.

Nursing Unit – a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

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 or 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.

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* and this Part*.* (Section 1-119 of the Act)

Person – with regard to the term "owner", "person" means any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity.

*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 or her person, whether or not a guardian has been appointed* *for* that *individual.* (Section 1-120 of the Act)

Pharmacist, Licensed – a person who holds a license as a pharmacist under the Pharmacy Practice Act.

*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* that *restricts freedom of movement or normal access to one's body.* (Section 2-106 of the Act)

Physical Therapist – a person who is licensed as a physical therapist under the Illinois Physical Therapy Act.

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

Physician – any person licensed by the State of Illinois 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 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)

Psychiatrist – a physician who has successfully completed a residency program in psychiatry accredited by either the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.

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

Qualified Intellectual Disabilities Professional (QIDP) – a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered professional nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

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 this criteria; and

is licensed, registered, or certified by the State of Illinois, if required.

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

Registered Professional Nurse – a person with a valid Illinois 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 and this Part*, a violation* that *has been cited during one inspection of the facility for which* a subsequent inspection indicates that *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, *or a new citation of the same rule if the licensee is not substantially addressing the issue routinely throughout the facility.* (Section 3-305(7) of the Act)

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

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 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

no other satisfactory evidence indicates that the moral character of the applicant, manager, or supervisor of the facility is not reputable.

*Resident – a person receiving personal or medical care, including, but not limited to, habilitation, psychiatric services, therapeutic services, 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 MC/DD 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 – services or measures designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

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.

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.

Seclusion or confinement – the retention of a resident alone in a room with a door that 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 *Illinois State Fire Marshal, who serves as the executive director of the Office of the State Fire Marshal.* (Section 1 of the State Fire Marshal Act).

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 5% of any class of securities issued by the corporation.* (Section 1-125 of the Act)

Story – when used in this Part, 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.

*Student Intern –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 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 Compliance – meeting requirements, except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the term as used in Sections 390.140(a)(3) and 390.150(a)(3).

Substantial Failure – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the term as used in Section 390.165(b)(1).

Supervision – authoritative guidance by a qualified person for the accomplishment of a function or activity within the qualified person's sphere of competence.

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 that is developed and implemented under the supervision of a qualified professional.

*Title XVIII – Title XVIII of the federal Social Security Act.* (Section 1-126 of the Act)

*Title XIX – Title XIX of the federal Social Security Act.* (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 *that 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 or is specifically designated as a Type "B" violation in the Act* or this Part*.* (Section 1-130 of the Act)

*Type "C" 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 less than minimal physical or mental harm to a resident will result therefrom*. (Section 1-132 of the Act)

Unit – an entire physically identifiable residence area having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

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 46 Ill. Reg. 8192, effective May 6, 2022)