**Section 240.1550 Standard Requirements for Adult Day Service Providers**

a) An adult day service provider shall have on file and utilize written procedures to manage storage and administration of medications, including:

1) storing and locking medications;

2) labeling medications brought to the adult day service provider's site; and

3) ensuring that:

A) prescribed medication is administered by an appropriately licensed professional to those adult day service participants who are determined to be unable to self-administer medications;

B) judgment of a participant's inability to self-administer medications shall be documented by a physician's order or the CCU person-centered plan of care and/or the adult day service person-centered plan of care addendum by the program nurse;

C) administration of all medications administered by the adult day service provider staff (prescription and non-prescription) are recorded in the participant's case record; and

D) physician orders for medication are utilized and filed in the participant's case record.

b) A facility that houses an adult day service program (including satellite sites) shall meet the following criteria:

1) A location will have a home and community-based setting that allows for services to be provided in the most integrated setting appropriate for each participant without having the effect of isolating any participant from the broader community. (See 42 CFR 441.301(c)(5)(v) and 42 CFR 441.301(c)(4)(i).)

A) An integrated setting will:

i) ensure a participant's rights of privacy, dignity and respect and freedom from coercion and restraint;

ii) optimize, but not regiment, participant initiative, autonomy, and independence in making life choices, including daily activities, physical environment, and with whom to interact (See 42 CFR 441.301(c)(4)(iv)); and

iii) facilitate participant choice regarding services and supports, and who provides them.

B) A location is not presumed to be a home and community-based setting if set in a publicly or private-owned facility providing inpatient treatment; on the grounds of, or adjacent to, a public institution; or with the effect of isolating participants from the broader community of individuals not receiving Medicaid Waiver services, as determined by the federal Centers for Medicare and Medicaid Services on a case-by-case basis.

2) There shall be a minimum of 40 square feet of activity area per participant. (Multiple-use areas must be pro-rated on both time and participant basis.) The activity area in the square feet per participant requirement is exclusive of exit passages and fire escapes, administrative space, storage areas, bathrooms, kitchen used for meal preparation, space required for equipment and gymnasiums or other areas when used exclusively for active sports.

3) All adult day service providers shall comply with the applicable provisions of the following codes and standards.

A) State of Illinois Codes and Standards

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|  | **Code or Standard** | **Agency** |
| i) | Ill. Plumbing Code (77 Ill. Adm. Code 890) | Department of Public Health or its authorized local designee |
| ii) | Illinois Accessibility Code (71 Ill. Adm. Code 400)  Environmental Barriers Act [410 ILCS 25] | Capital Development Board offers guidance to design professionals and building code officials regarding the interpretation and application of the Illinois Accessibility Code |
|  |  | NOTE: It shall be incumbent upon the provider to assure that its facility meets all applicable requirements as promulgated by the Capital Development Board. (No written documentation shall be required.) |
| iii) | Fire Prevention and Safety (41 Ill. Adm. Code 100) | Office of State Fire Marshal |
| iv) | Illinois Vehicle Code [625 ILCS 5] | Secretary of State of Illinois |
| v) | Food Service Sanitation (77 Ill. Adm. Code 750) | Department of Public Health or its authorized local designee |

B) Other Codes and References

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|  | **Code or Standard** | **Agency** |
| i) | National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02169-7471 (NFPA 101 Life Safety Code: Chapters 16 and 17; 2018 edition; this incorporation includes no later editions or amendments) | National Fire Protection Association and Office of State Fire Marshal shall inspect |
| ii) | Americans With Disabilities Act (42 U.S.C. 12101 et seq.) |  |

C) In addition to compliance with the standards set forth in this subsection (b)(3), all applicable local and State building, fire, health and safety codes, ordinances and regulations that are enforced by city, county or other local jurisdictions in which the facility is, or will be, located must be observed and documented through required inspections by appropriate officials.

4) Each facility shall have posted an emergency plan for evacuation and shall conduct quarterly fire drills in accordance with subsection (b)(3)(B)(i). Written documentation of the dates of the quarterly fire drills must be on file at the facility. A diagram of emergency evacuation routes shall be posted, at a minimum, in all corridors and common areas. All personnel employed on the premises shall be aware of the routes.

5) Each facility shall maintain room temperatures in the facility of not less than 70 degrees Fahrenheit and not more than 85 degrees Fahrenheit by utilizing heating system/air conditioning/circulating fans.

6) Each facility shall designate a dining area (equipped with enough chairs and table space) to accommodate the daily number of participants.

7) Each facility shall have and maintain in working order during operating hours at least one bathroom facility that is physically accessible to persons with disabilities for up to 12 participants and a minimum of 2 bathroom facilities (one accessible to persons with disabilities) to serve 13 or more participants.

8) Each facility shall have locked space for storage of office equipment, chemicals/cleaning products and other hazardous supplies.

9) Hot water temperatures shall be controlled to not exceed 119 degrees, but shall not be less than 100 degrees, Fahrenheit in all locations where participants have access to dispensing hot water, including bathroom facilities through appropriate plumbing mechanisms (e.g., anti-scald devices, pumps, and/or hot water tank thermostat settings). Hot water temperatures at all locations within the ADS shall be checked weekly and a written log shall be securely kept in the main administrative office.

10) Unsupervised participants shall not be allowed in the kitchen if water temperatures are not controlled as required in subsection (b)(9). Participants should not be allowed in areas where supplies/medications are stored or where a microwave is in use unless supervised.

11) Each facility shall have at least one quiet place equipped with a reclining chair, cot or bed where a participant may rest.

12) Exit areas shall be clear of equipment and debris at all times and shall be equipped with monitoring or signaling devices to alert staff to participants leaving the facility unattended.

13) One landline telephone capable of accessing and being located by a 911 emergency response system, if available in the area, shall be immediately available within the activity area for participants. A list of emergency numbers shall be posted by the telephone.

14) Supplies and equipment for emergency first aid shall be immediately accessible to activity areas for participants.

c) An adult day service provider (including each satellite site) shall meet the following criteria relative to meals provided to participants (prepared on-site or contractual):

1) The adult day service provider shall provide to each participant one meal at mid-day that meets the Dietary Guidelines for Americans, 2015-2020, 8th edition, published by the Secretary of Health and Human Services and the Secretary of Agriculture; and provide each participant a minimum of 33½ percent of the Dietary Reference Intakes (DRI) as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences. Supplementary nutritious snacks shall also be provided. The adult day service provider shall provide modified diets as directed by the participant's physician.

2) Adult day service providers (whether meals are prepared on-site or contractually) shall:

A) Have menus approved and so documented by the registered dietitian. Menus shall reflect portion sizes as appropriate.

B) Post menus in advance in a location visible to the participants within the adult day service facility.

C) Assure that menus are planned for a minimum of four weeks on a menu form.

D) Develop methods and follow written procedures to control portion sizes and to meet the one-third daily dietary reference intakes recommended.

E) One employee at each adult day service site, either handling/preparing or supervising the handling/preparing of foods, shall meet DPH Food Service Sanitation rules (77 Ill. Adm. Code 750).

F) Have on file and follow written procedures for receiving and storing food that must include:

i) verification of food quantities;

ii) checking and documentation of food temperatures at time of delivery and serving;

iii) equipment to be utilized;

iv) procedures to follow for foods that arrive above or below temperature, deteriorated food and food shortages.

G) Ensure that catered meals are transported in equipment that maintains temperatures of hot food at 140 degrees Fahrenheit, or above, and cold foods at 41 degrees Fahrenheit, or below. Foods shall be maintained and served at the above temperatures at the adult day service site.

H) Ensure that potentially hazardous foods (i.e., food that consists in whole or in part of milk, milk products, eggs, meat, poultry, fish, shellfish or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms) intended to be served cold shall be pre-chilled and transported/maintained at a temperature of 41 degrees Fahrenheit, or below. Potentially hazardous food intended to be served hot shall be transported/maintained at a temperature of 140 degrees Fahrenheit, or above.

I) Ensure that potentially hazardous foods prepared on-site shall be prepared in accordance with required cooking temperatures as specified by 77 Ill. Adm. Code 750 and maintained until service at 140 degrees Fahrenheit, or above, for hot foods and 41 degrees Fahrenheit, or below, for cold foods.

J) If food is prepared by a caterer, the adult day service provider shall keep a copy of the current caterer's inspection certificates/letters on file to verify that the operation complies with all health, safety and sanitation regulations.

d) An adult day service provider (including each satellite site) shall comply with applicable requirements of the current Illinois Vehicle Code [625 ILCS 5] and meet the following criteria relative to transportation provided to participant's (directly or contractually):

1) Adult day service provider vehicles that transport participants shall be equipped with a working two-way communications device and written procedures to be followed in the event of an emergency.

2) An adult day service provider that uses its own vehicles to transport participants shall have on file and utilize written procedures to ensure, to the extent possible, that safe transportation is provided.

3) An adult day service provider that subcontracts with another entity to transport participants shall have on file and incorporate written procedures in the service agreement to ensure, to the extent possible, that safe transportation is provided.

e) Adult day service providers shall acquire and have on file an emergency contact and a recent photograph of each participant for emergency purposes.

f) An adult day service provider shall provide services to all participants in the CCP referred by the CCU, except:

1) participants who do not meet the adult day service provider's admission criteria; and

2) participants whose condition warrants discharge under the adult day service provider's discharge criteria.

g) It is the adult day service provider's responsibility to advise the primary caregiver, the participant's care coordinator and/or appropriate professional of any changes in the participant's health or functional ability.

h) Management staff of the adult day service provider shall be required to complete adult day service management training.

1) Training shall be completed by the provider prior to the award of a CCP adult day service contract from the Department.

2) At a minimum, the provider Program Administrator, or Program Coordinator/Director if also functioning as the Program Administrator, shall complete this training.

(Source: Amended at 48 Ill. Reg. 11053, effective July 16, 2024)