**Section 411.20 Definitions**

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI), for comparison to their criminal history records, as appropriate; and

- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

- a check of the Statewide Child Sex Offender Registry.

"Child" or "youth" means any person for whom the Department is legally responsible who is 13 years of age or older but is less than 18 years of age.

"Clinical evaluation" means a standardized clinical protocol used by an independent examiner to determine whether a child or youth meets the requirements established by the Department for admission to a secure child care facility (see Section 411.110(b)). This protocol shall assess the following items: the child's or youth's presenting problems within the context of his or her current treatment plan; the child's or youth's mental status and psychiatric diagnosis; the child's or youth's risk of harm to self and/or others; and the appropriateness of both less and more restrictive treatment and placements (i.e., non-secure placements and psychiatric care).

"Complaint" means any oral or written report made to or by the Department alleging violation of federal, State, or local laws and rules and regulations related to the licensing or operation of secure child care facilities.

"Contraband" means items that are proscribed by criminal law, facility rules, or posted notices; items that the child or youth has no authorization to possess; or property that is in excess of that authorized by the facility. Contraband shall include, but not be limited to, possession by a child or youth of any of the following:

- Alcohol;

- Cannabis or controlled substances, and paraphernalia for cannabis or controlled substances;

- Weapons, including firearms, knives, broken glass, or similar cutting devices or clubs;

- Flammables, explosives, matches or lighters;

- Ammunition;

- Chemical agents or electric stun guns;

- Tools, keys, chains, or ropes;

- Gum, putty, or caulk;

- Any smoking or tobacco materials in the possession of children or youth; or

- Any other item prescribed by the secure child care facility director due to safety or security reasons.

"Controlled substances" means any substance identified in Section 102 of the Illinois Controlled Substances Act [720 ILCS 570/102], including cannabis as defined in Section 3 of the Cannabis Control Act [720 ILCS 550/3].

"DSM-IV" means the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (American Psychiatric Association, 1400 K Street N.W., Washington, DC 20005, 1994 Edition).

"Degree of need study" means an annual needs assessment conducted by the Department that is structured to determine the number of children and youth who are in need of placement in secure child care facilities. The needs assessment focuses on the clinical needs of children and youth, as well as the geographic location from which children and youth originate. All decisions concerning the issuance of licenses for secure child care facilities shall be based upon the Department's annual degree of need study.

*"Department" means the Illinois Department of Children and Family Services.* (Section 2.02 of the Child Care Act of 1969 [225 ILCS 10/2.02])

"Director" means the Director of the Department of Children and Family Services.

"Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such impairment, or being regarded as having such impairment.

"Drug test" means a urinalysis or blood test conducted by a laboratory certified by the Substance Abuse and Mental Health Services Administration, formerly the National Institute on Drug Abuse, to identify the presence of illegal or controlled substances.

"Facility director" means the executive level manager designated by the governing body to be administratively responsible for the secure child care facility and for compliance with all requirements of this Part.

"Finding" means a report of results of an investigation of a complaint or of grounds for revocation or termination by staff authorized by the Director to conduct the investigation (see 20 Ill. Adm. Code 801.20).

"Gatekeeper" means a Department employee assigned to monitor a specific secure child care facility's admission, treatment, and discharge of children and youth.

"ICD-9-CM" means the International Classification of Diseases, Clinical Modification, Ninth Revision, Fourth Edition (October 1991), published by Med-Index Publications, 5225 Wiley Post Way, Suite 500, Salt Lake City, UT 84116-2889.

"Independent examiner" means a psychiatrist, clinical social worker, or clinical psychologist who does not have a financial (i.e., employment or contractual) or familial relationship with a licensed secure child care facility, and who has been designated by the Department to perform clinical evaluations to determine whether a child or youth meets the admission requirements established by the Department.

"Insolvent" means the entity's financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed, or removed with intent to hinder, delay, or defraud its creditors.

"Investigation" means an information gathering and assessment process initiated and conducted by the Department in order to determine compliance with Department rules and procedures or with federal, State, and local laws.

"License" means a document issued by the Department that authorizes the applicant to establish or operate a secure child care facility in accordance with applicable standards and provisions of the Child Care Act of 1969 [225 ILCS 10].

"Licensed practitioner of the health arts (LPHA)" (see 59 Ill. Adm. Code 132.25) means a clinical psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15], a licensed clinical social worker (LCSW) licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] or a clinical professional counselor holding a permanent license pursuant to the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107].

"Licensee" means an agency or organization who holds a secure child care facility license or a provisional license issued by the Department of Children and Family Services.

"Licensing representative" means Department staff authorized by the Director to examine facilities applying for or having been issued a secure child care facility license.

"Licensing study", as used in this Part, means the review of an application for secure child care facility license, on-site visits, interviews and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 [225 ILCS 10], the standards prescribed by this Part, other applicable Department standards, and federal or State laws.

"Medicaid community mental health services program" means assessment, treatment and/or rehabilitative services as defined by 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program) that are provided by or under a subcontract with a certified provider under a contractual agreement with the Department. These services are supported financially in whole or in part by the Department and are also included under the Illinois Medical Assistance Program (89 Ill. Adm. Code 140) for eligible clients. Providers must be certified by the Department or the Department of Human Services and also be enrolled with and be approved by the Department of Public Aid as a Medicaid provider.

"Medical director" means a psychiatrist with at least 2 years of experience treating children and adolescents who is responsible for directing all medical and psychiatric services offered in a secure child care facility.

"Mental health professional (MHP)" means the mental health professional who provides services under the supervision of a qualified mental health professional (QMHP). The mental health professional must possess a bachelor's degree, a practical nurse license pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65] or have a minimum of five years clinically supervised experience in mental health or human services.

"Mental illness" means a diagnosis of mental illness as defined in 59 Ill. Adm. Code 132.25 (Medicaid Community Mental Health Services Program).

"Minor traffic violation" means any traffic violation that resulted in a fine of $100 or less without any other penalty, such as suspension or revocation of the driver's license, probation, jail sentence, or community service work.

"Physician" means a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60].

"Plan" means the facility's written policy, procedures, and practices in a particular area.

"Profiling" means the Department's process of assessing the performance of and categorizing residential providers based on their target population, service mix, staffing patterns and coverage, program design, and physical plant characteristics. Assessment of performance is based on measurable key outcome indicators, such as length of stay, successful and stable step downs, success of treatment outcomes, number of psychiatric hospitalizations, number of unauthorized absences, unplanned discharges, use of restrictive procedures, unusual incident reports, formal complaints and/or grievances, and injuries to children and youth.

"Qualified applicant" means an applicant for a secure child care facility license that has met all of the following prerequisites to seeking a license for a secure child care facility:

- The applicant must be licensed to provide residential care for children and youth in a child care institution licensed pursuant to 89 Ill. Adm. Code 404 (Licensing Standards for Child Care Institutions and Maternity Centers).

- Based upon profiling, the applicant has been determined to have the capability to provide mental health and rehabilitative services in a continuum of care, on the campus where the secure child care facility is located, to children and youth who present the most serious behavioral and emotional symptoms and whose histories manifest placement disruption and patterns of difficult adjustment to substitute care living arrangements. An applicant's qualification will be based upon performance and outcome measures related to such services, as well as a review of their past performance as a licensed child care institution.

- The secure child care facility must be accredited by one or more of the following nationally recognized accrediting organizations:

- Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005.

- Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181.

- The Rehabilitation Accreditation Commission (CARF), 4891 East Grant Road, Tucson, Arizona 85712.

- The applicant must be certified and enrolled in good standing as a provider under 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program).

- The applicant has received written notification from the Department of the need for a secure child care facility in the Child and Adolescent Local Area Network or region of the Department where the facility is located. This determination shall be based upon the Department's degree of need study.

"Qualified mental health professional (QMHP)" means one of the following:

- A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine or osteopathy with training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness or specialized training (the treatment of children and adolescents);

- A psychiatrist (a physician licensed under the Medical Practice Act of 1987) who has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association, or other training program identified as equivalent by the Department, and 2 years experience treating children and adolescents;

- A psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15] with specialized training in mental health services;

- A social worker possessing a master's or doctoral degree in social work and licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] with specialized training in mental health services;

- A registered nurse licensed pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65] with at least one year of clinical experience in a mental health setting or a master's degree in psychiatric nursing;

- An occupational therapist registered pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of clinical experience in a mental health setting;

- An individual with a master's degree and at least one year of clinical experience in mental health services and who holds a license to practice marriage and family therapy pursuant to the Marriage and Family Therapy Licensing Act [225 ILCS 55]; or

- An individual possessing a master's or doctoral degree in counseling and guidance, rehabilitation counseling, social work, vocational counseling, psychology, pastoral counseling, family therapy, or related field, who has successfully completed a practicum and/or internship that includes a minimum of 1,000 hours, or who has one year of clinical experience under the supervision of a qualified mental health professional, or who is a licensed social worker holding a master's degree with two years of experience in mental health services, or who is a permanently licensed professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] holding a master's degree with one year of experience in mental health services.

*"Secure child care facility" means any child care facility licensed by the Department to provide secure living arrangements for children under 18 years of age who are subject to placement in facilities under the Children and Family Services Act and who are not subject to placement in facilities for whom standards are established by the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections and which comply with the requirements of this Act and applicable rules of the Department and which shall be consistent with requirements established for child residents of mental health facilities under the Juvenile Court Act of 1987 and the Mental Health and Developmental Disabilities Code. "Secure child care facility" also means a facility that is designed and operated so as to ensure that all entrances and exits from the facility, a building, or distinct part of a building are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of a building.* [225 ILCS 10/2.22]

A secure child care facility shall be a fully integrated, self-contained program area of a licensed child care institution that meets all the licensing and program requirements specified in this Part. At a minimum this includes an indoor activity area, classrooms, dining area, nursing station, seclusion room (if applicable), physician's examining room, patient bedrooms, and bathrooms. Staff offices shall be located within or contiguous to the secure child care facility.

"Serious illness or injury" means an illness or injury that requires treatment at an urgent care center or emergency room or that results in a hospital admission of any length of time.

"Substance abuse" means the illegal or unauthorized use of controlled substances or the misuse of over-the-counter medications or other substances.

"Universal Precautions" means an approach to infection control. According to the concept of Universal Precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.