**Section 686.100 Adult Day Care (ADC) Provider Requirements**

a) Adult Day Care (ADC) Providers (see 89 Ill. Adm. Code 676.40) must either be approved by DHS or by the Illinois Department on Aging (DoA) pursuant to DoA's rules found at 89 Ill. Adm. Code 240, with the exception that the term "the elderly" in 89 Ill. Adm. Code 240.1560(a)(1)(A)(ii) and (a)(2)(A)(iii) should be replaced with the term "individuals with disabilities".

b) In order to be approved as an ADC Provider by DHS, the ADC Provider must meet all of the conditions specified by DoA, as cited above, and:

1) employ a full-time program director;

2) employ the equivalent of a full-time program coordinator/director;

3) employ a program nurse who is on duty at least a portion of every standard business day;

4) employ a nutrition staff;

5) comply with the provisions of:

A) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701), as amended;

B) the Illinois Human Rights Act [775 ILCS 5];

C) the Illinois Accessibility Code (71 Ill. Adm. Code 400);

D) the Americans with Disabilities Act (42 U.S.C. 12101); and

E) the Health Insurance Portability and Accountability Act (42 U.S.C. 1320d);

6) record the administration of all prescribed medications for those Customers served through HSP who are unable to self-administer medication as documented by a physician licensed pursuant to the Medical Practice Act [225 ILCS 60], a registered nurse licensed pursuant to the Nursing Practice Act [225 ILCS 65], or as documented in the individual's Service Plan (IL 488-1049) (89 Ill. Adm. Code 676.30);

7) provide DHS with a record of the amount of pre-service training each employee has;

8) require, and provide DHS documentation of, at least 12 hours of in-service training for each staff person each fiscal year;

9) successfully complete an Adult Day Care Provider Review (IL 488-2129) pursuant to Section 686.120;

10) accept reimbursement at or below the federally-approved Medicaid rates pursuant to the currently active 1915(c) Home and Community Based Services Waiver;

11) maintain adequate records for planning, budgeting, administration and program evaluation and planning. These records shall be available to DHS and the United States Department of Health and Human Services (HHS), or any entity designated by DHS or HHS, and shall be maintained for a period of at least 5 years or until advised that all State and federal audits are completed. These records must include, but not be limited to:

A) records of all referrals, including the disposition of each referral;

B) all Customer records;

C) administrative records, including:

i) service statistics; and

ii) billing and payment records;

D) personnel records, including:

i) schedules and attendance records for staff and volunteers;

ii) training records for staff and volunteers;

iii) annual performance evaluations for all staff and, as appropriate, all volunteers; and

12) have an Affirmative Action Plan in place which is approved by its governing body.

c) a facility that houses an adult day care program (including satellite sites) shall meet the criteria for the Centers for Medicare and Medicaid Services definition of a home and community-based setting pursuant to 42 CFR 441.301(c)(4) and 42 CFR 441.301(c)(5).

d) if a provider meets the criteria listed in this Section, application to HSP should be made to:

Illinois Department of Human Services

Division of Rehabilitation Services

Home Services Program, Program Compliance

100 S. Grand Ave. East

Springfield IL 62794

(Source: Amended at 46 Ill. Reg. 20865, effective December 19, 2022)