

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) 

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
350.340	Amendment
350.760	Amendment
- 4) Statutory Authority: ID/DD Community Care Act [210 ILCS 47]
- 5) Effective Date of Rules: November 19, 2020
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency amendments will expire at the end of the 150-day period or upon repeal of the emergency rule.
- 7) Date Filed with the Index Department: November 19, 2020
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.  
  
Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subjects and Issues Involved: This rule amends requirements for long term care facilities' infection control policies and procedures, including updated COVID-19 testing requirements and updated incorporated materials from the CDC that address COVID-19 infection control. The rule also requires certified facilities to comply with recently updated federal requirements for COVID-19 testing under 42 CFR 483.80(h).
- 11) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
- 13) Information and questions regarding these emergency rules shall be directed to:

Elizabeth Paton  
Acting Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield IL 62761

217/782-2043  
dph.rules@illinois.gov

The full text of these Emergency Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIES

## PART 350

## INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

## Section

350.2	COVID-19 Emergency Provisions for Licenses and Inspections
EMERGENCY	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators (Repealed)
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Supported Congregate Living Arrangement Demonstration
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

EMERGENCY

## SUBPART B: ADMINISTRATION

Section	
350.510	Administrator

## SUBPART C: POLICIES

Section	
350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening and Request for Resident Criminal History Record Information
350.630	Admission, Retention and Discharge Policies
350.634	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
350.635	Identified Offenders
350.636	Discharge Planning for Identified Offenders
350.637	Transfer of an Identified Offender
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.682	Resident Attendants
350.683	Registry of Developmental Disabilities Aides

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 350.685 Student Interns
- 350.690 Disaster Preparedness
- 350.700 Incidents and Accidents
- 350.750 Contacting Local Law Enforcement
- 350.760 Infection Control

EMERGENCY

## SUBPART D: PERSONNEL

- Section
- 350.810 Personnel
- 350.820 Consultation Services
- 350.830 Personnel Policies (Repealed)

## SUBPART E: RESIDENT LIVING SERVICES

- Section
- 350.1010 Service Programs
- 350.1020 Psychological Services
- 350.1030 Social Services
- 350.1040 Speech Pathology and Audiology Services
- 350.1050 Recreational and Activities Services
- 350.1055 Volunteer Program
- 350.1060 Training and Habilitation Services
- 350.1070 Training and Habilitation Staff
- 350.1080 Restraints
- 350.1082 Nonemergency Use of Physical Restraints
- 350.1084 Emergency Use of Physical Restraints
- 350.1086 Unnecessary, Psychotropic, and Antipsychotic Drugs
- 350.1088 Language Assistance Services

## SUBPART F: HEALTH SERVICES

- Section
- 350.1210 Health Services
- 350.1220 Physician Services
- 350.1223 Communicable Disease Policies
- 350.1225 Tuberculin Skin Test Procedures
- 350.1230 Nursing Services

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 350.1235 Life-Sustaining Treatments
- 350.1240 Dental Services
- 350.1250 Physical and Occupational Therapy Services
- 350.1260 Vaccinations

## SUBPART G: MEDICATIONS

## Section

- 350.1410 Medication Policies and Procedures
- 350.1420 Compliance with Licensed Prescriber's Orders
- 350.1430 Administration of Medication
- 350.1440 Labeling and Storage of Medications
- 350.1450 Control of Medications

## SUBPART H: RESIDENT AND FACILITY RECORDS

## Section

- 350.1610 Resident Record Requirements
- 350.1620 Content of Medical Records
- 350.1630 Confidentiality of Resident's Records
- 350.1640 Records Pertaining to Residents' Property
- 350.1650 Retention and Transfer of Resident Records
- 350.1660 Other Resident Record Requirements
- 350.1670 Staff Responsibility for Medical Records
- 350.1680 Retention of Facility Records
- 350.1690 Other Facility Record Requirements

## SUBPART I: FOOD SERVICE

## Section

- 350.1810 Director of Food Services
- 350.1820 Dietary Staff in Addition to Director of Food Services
- 350.1830 Hygiene of Dietary Staff
- 350.1840 Diet Orders
- 350.1850 Meal Planning
- 350.1860 Therapeutic Diets (Repealed)
- 350.1870 Scheduling Meals
- 350.1880 Menus and Food Records
- 350.1890 Food Preparation and Service

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 350.1900 Food Handling Sanitation
- 350.1910 Kitchen Equipment, Utensils, and Supplies

## SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

- Section
- 350.2010 Maintenance
- 350.2020 Housekeeping
- 350.2030 Laundry Services

## SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- Section
- 350.2210 Furnishings
- 350.2220 Equipment and Supplies

## SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

- Section
- 350.2410 Codes
- 350.2420 Water Supply
- 350.2430 Sewage Disposal
- 350.2440 Plumbing

## SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

- Section
- 350.2610 Applicability of These Standards
- 350.2620 Codes and Standards
- 350.2630 Preparation of Drawings and Specifications
- 350.2640 Site
- 350.2650 Administration and Public Areas
- 350.2660 Nursing Unit
- 350.2670 Dining, Living, Activities Rooms
- 350.2680 Therapy and Personal Care
- 350.2690 Service Departments
- 350.2700 General Building Requirements
- 350.2710 Structural

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 350.2720 Mechanical Systems
- 350.2730 Plumbing Systems
- 350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE  
FACILITIES FOR THE DEVELOPMENTALLY DISABLED

## Section

- 350.2910 Applicability
- 350.2920 Codes and Standards
- 350.2930 Preparation of Drawings and Specifications
- 350.2940 Site
- 350.2950 Administration and Public Areas
- 350.2960 Nursing Unit
- 350.2970 Living, Dining, Activities Rooms
- 350.2980 Treatment and Personal Care
- 350.2990 Service Department
- 350.3000 General Building Requirements
- 350.3010 Structural
- 350.3020 Mechanical Systems
- 350.3030 Plumbing Systems
- 350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

## Section

- 350.3210 General
- 350.3220 Medical and Personal Care Program
- 350.3230 Restraints (Repealed)
- 350.3240 Abuse and Neglect
- 350.3250 Communication and Visitation
- 350.3260 Resident's Funds
- 350.3270 Residents' Advisory Council
- 350.3280 Contract With Facility
- 350.3290 Private Right of Action
- 350.3300 Transfer or Discharge
- 350.3310 Complaint Procedures
- 350.3320 Confidentiality
- 350.3330 Facility Implementation



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR  
THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

## Section

350.3710	Applicability of Other Provisions of this Part
350.3720	Administration
350.3730	Admission and Discharge Policies
350.3740	Personnel
350.3750	Consultation Services and Nursing Services
350.3760	Medication Policies
350.3770	Food Services
350.3780	Codes and Standards
350.3790	Administration and Public Areas
350.3800	Bedrooms
350.3810	Nurses Station
350.3820	Bath and Toilet Rooms
350.3830	Utility Rooms
350.3840	Living, Dining, Activity Rooms
350.3850	Therapy and Personal Care
350.3860	Kitchen
350.3870	Laundry Room
350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Areas
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
350.3970	Electrical Systems
350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART Q: DAY CARE PROGRAMS

## Section

350.4210	Day Care in Long-Term Care Facilities
350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C	Seismic Zone Map
350.APPENDIX D	Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E	Guidelines for the Use of Various Drugs
350.TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE D	Food Service Sanitation Rules, 77 Illinois Admin. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of 16 Beds or Less
350.TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350.TABLE F	Heat Index Table/Apparent Temperature

**AUTHORITY:** Implementing and authorized by the ID/DD Community Care Act [210 ILCS 47].

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2238, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5924, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14237, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15924, effective September 25, 2003; amended at 27 Ill. Reg. 18160, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3552, effective November 15, 2003; amended at 28 Ill. Reg. 7653, effective May 24, 2004; amended at 28 Ill.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

Reg. 11217, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11971, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15247, effective September 23, 2005, for the remainder of the maximum 150 days; emergency expired December 8, 2005; amended at 29 Ill. Reg. 12954, effective August 2, 2005; amended at 30 Ill. Reg. 1460, effective January 23, 2006; amended at 30 Ill. Reg. 5338, effective March 2, 2006; amended at 30 Ill. Reg. 13876, effective August 7, 2006; amended at 31 Ill. Reg. 6119, effective April 3, 2007; amended at 31 Ill. Reg. 8850, effective June 6, 2007; amended at 33 Ill. Reg. 9393, effective June 17, 2009; amended at 34 Ill. Reg. 19224, effective November 23, 2010; amended at 35 Ill. Reg. 3461, effective February 14, 2011; amended at 39 Ill. Reg. 5490, effective March 25, 2015; amended at 42 Ill. Reg. 7950, effective April 30, 2018; emergency amendment at 44 Ill. Reg. 8555, effective May 5, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16298, effective September 15, 2020, for the remainder of the 150 days; emergency rule as amended expired October 1, 2020; emergency amendment at 44 Ill. Reg. 16908, effective October 2, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 19012, effective November 19, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 350.340 Incorporated and Referenced Materials****EMERGENCY**

- a) The following regulations and standards are incorporated in this Part:
  - 1) Private and professional association standards:
    - A) ANSI/ASME Standard No. A17.1 – 2000, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers (ASME) International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900.
    - B) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2001), and Handbook of Applications (1999), which may be obtained from the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.
    - C) American Society for Testing and Materials (ASTM), Standard No. E90-02 (1996): Standard Test Method for Laboratory

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, and Standard No. E84-08a, Standard Test Method for Surface Burning Characteristics of Building Materials (2006), which may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959.

- D) International Building Code (IBC) (2000), which may be obtained from the International Code Council (ICC), 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795.
- E) For existing facilities (see Subpart N), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981), and the following standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:
  - i) No. 10 (1978): Standards for Portable Extinguishers
  - ii) No. 13 (1980): Standards for the Installation of Sprinkler Systems
  - iii) No. 54 (1999): National Fuel Gas Code
  - iv) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems
  - v) No. 70 (1981): National Electric Code
  - vi) No. 90A (1999): Standards for the Installation of Air Conditioning and Ventilating Systems
  - vii) No. 96 (1998): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
  - viii) No. 220 (1979): Standard Types of Building Construction
  - ix) No. 253 (1978): Flooring Radiant Heat Energy Test

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- x) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials
  - xi) Appendix C (1981): Fire Safety Evaluation System for Health Occupancies
- F) For new facilities (see Subpart M), the following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:
- i) NFPA 17A, Standard for Wet Chemical Extinguishing Systems – 2002 Edition
  - ii) NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection – 1999 Edition
  - iii) NFPA 22, Standard for Water Tanks for Private Fire Protection – 1998 Edition
  - iv) NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances – 2002 Edition
  - v) NFPA 50, Standard for Bulk Oxygen Systems at Consumer Sites – 2001 Edition
  - vi) NFPA 54, National Fuel Gas Code – 1999 Edition
  - vii) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition
  - viii) NFPA 70E, Standard for Electrical Safety Requirements for Employee Workplaces – 2000 Edition
  - ix) NFPA 80A, Recommended Practice for Protection of Buildings from Exterior Fire Exposures – 2001 Edition
  - x) NFPA 90A, Standard for the Installation of Air Conditioning and Ventilating Systems – 1999 Edition

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- xi) NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations – 1998 Edition
  - xii) NFPA 101, Life Safety Code – 2000 Edition
  - xiii) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition
  - G) For new and existing facilities (see Section 350.1410), NFPA 99: Standard for Health Care Facilities – 2002 Edition.
  - H) Underwriters Laboratories, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:
    - i) Fire Resistance Directory (2003 Edition)
    - ii) Building Material Directory (2003 Edition)
  - I) American College of Obstetricians and Gynecologists, Guidelines for Women's Health Care, Third Edition (2007), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264). (See Section 350.3220.)
- 2) Federal regulations and guidelines:
- A) 21 CFR 1306, Prescriptions (April 1, 2002)
- B) The following guidelines of the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services, which may be obtained from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161:
- i) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (~~2009~~October 1981), which can be found

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

at <https://www.cdc.gov/infectioncontrol/guidelines/cauti/index.html>

- ii) Guideline for Hand Hygiene in Health-Care Settings (October 2002), which can be found at <https://www.cdc.gov/mmwr/pdf/rr/rr5116.pdf>
- iii) Guidelines for Prevention of Intravascular Catheter-Related Infections (~~2011~~2002), which can be found at <https://www.cdc.gov/hai/pdfs/bsi-guidelines-2011.pdf>
- iv) Guideline for Prevention of Surgical Site Infection (~~2017~~1999), which can be found at <https://jamanetwork.com/journals/jamasurgery/fullarticle/2623725>
- v) [Guidelines for Preventing Healthcare-Associated Pneumonia \(2003\)](https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5303a1.htm), which can be found at <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5303a1.htm>~~Guideline for Prevention of Nosocomial Pneumonia (February 1994)~~
- vi) [2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings \(July 2019\)](https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf), available at <https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf> ~~in Hospitals (February 18, 1997)~~
- vii) [Infection Control in Healthcare Personnel: Infrastructure and Routine Practices for Occupational Infection Prevention and Control Services \(October 25, 2019\)](https://www.cdc.gov/infectioncontrol/pdf/guidelines/infectioncontrol-HCP-H.pdf), available in two parts at <https://www.cdc.gov/infectioncontrol/pdf/guidelines/infectioncontrol-HCP-H.pdf> and <https://www.cdc.gov/infectioncontrol/guidelines/healthcare-personnel/index.html> ~~Guidelines for Infection Control in Health Care Personnel (1998)~~



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- viii) [Preparing for COVID-19 in Nursing Homes \(June 25, 2020\)](https://www.cdc.gov/coronavirus/2019-ncov/long-term-care.html), available at <https://www.cdc.gov/coronavirus/2019-ncov/long-term-care.html>
- ix) [Responding to Coronavirus \(COVID-19\) in Nursing Homes \(April 30, 2020\)](https://www.cdc.gov/coronavirus/2019-ncov/hcp/nursing-homes-responding.html), available at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/nursing-homes-responding.html>

- b) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
  - 1) Federal statutes:
    - A) Civil Rights Act of 1964 (42 USC 2000e et seq.)
    - B) Social Security Act (42 USC 301 et seq., 1395 et seq. and 1396 et seq.)
    - C) Controlled Substances Act (21 USC 802)
  - 2) State of Illinois statutes:
    - A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]
    - B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]
    - C) Child Care Act of 1969 [225 ILCS 10]
    - D) Court of Claims Act [705 ILCS 505]
    - E) Illinois Dental Practice Act [225 ILCS 25]
    - F) Election Code [10 ILCS 5]

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- G) Freedom of Information Act [5 ILCS 140]
- H) General Not For Profit Corporation Act of 1986 [805 ILCS 105]
- I) Illinois Health Facilities Planning Act [20 ILCS 3960]
- J) Hospital Licensing Act [210 ILCS 85]
- K) Illinois Municipal Code [65 ILCS 5]
- L) Illinois Controlled Substances Act [720 ILCS 570]
- M) Life Care Facilities Act [210 ILCS 40]
- N) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
- O) Medical Practice Act of 1987 [225 ILCS 60]
- P) Mental Health and Developmental Disabilities Code [405 ILCS 5]
- Q) Nurse Practice Act [225 ILCS 65]
- R) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
- S) Nursing Home Care Act [210 ILCS 45]
- T) Illinois Occupational Therapy Practice Act [225 ILCS 75]
- U) Pharmacy Practice Act [225 ILCS 85]
- V) Illinois Physical Therapy Act [225 ILCS 90]
- W) Private Sewage Disposal Licensing Act [225 ILCS 225]
- X) Probate Act of 1975 [755 ILCS 5]

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- Y) Illinois Public Aid Code [305 ILCS 5]
- Z) Safety Glazing Materials Act [430 ILCS 60]
- AA) Illinois Administrative Procedure Act [5 ILCS 100]
- BB) Clinical Psychologist Licensing Act [225 ILCS 15]
- CC) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- DD) Health Care Worker Background Check Act [225 ILCS 46]
- EE) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- FF) Living Will Act [755 ILCS 35]
- GG) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
- HH) Health Care Surrogate Act [755 ILCS 40]
- II) Right of Conscience Act [745 ILCS 70]
- JJ) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
- KK) Supportive Residences Licensing Act [210 ILCS 65]
- LL) Community Residential Alternatives Licensing Act [210 ILCS 40]
- MM) Community Living Facilities Licensing Act [210 ILCS 35]
- NN) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
- OO) Counties Code [55 ILCS 5]
- PP) Illinois Act on the Aging [20 ILCS 105]
- QQ) Speech-Language Pathology and Audiology Practice Act [225

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

ILCS 110]

- RR) Assisted Living and Shared Housing Act [210 ILCS 9]
  - SS) Alternative Health Care Delivery Act [210 ILCS 3]
  - TT) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
  - UU) Physician Assistant Practice Act of 1987 [225 ILCS 95]
  - VV) Language Assistance Services Act [210 ILCS 87 ]
- 3) State of Illinois rules:
- A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
  - B) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
  - C) Department of Public Health:
    - i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
    - ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
    - iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)
    - iv) Illinois Plumbing Code (77 Ill. Adm. Code 890)
    - v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
    - vi) Drinking Water Systems Code (77 Ill. Adm. Code 900)
    - vii) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- viii) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
  - ix) Access to Public Records of the Department of Public Health (2 Ill. Adm. Code 1127)
  - x) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
  - xi) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
  - xii) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
  - xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
  - xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
  - xv) Control of Tuberculosis Code (77 Ill. Adm. Code 696)
  - xvi) Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
  - xvii) Language Assistance Services Code (77 Ill. Adm. Code 940)
- D) Department of Financial and Professional Regulation:
- i) Controlled Substances Act (68 Ill. Adm. Code 3100)
  - ii) Pharmacy Practice Act (68 Ill. Adm. Code 1330)
- E) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)
- F) Department of Natural Resources, Regulation of Construction within Flood Plains (17 Ill. Adm. Code 2706)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- G) Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 19012, effective November 19, 2020, for a maximum of 150 days)

## SUBPART C: POLICIES

**Section 350.760 Infection Control****EMERGENCY**

- a) Policies and procedures for investigating, controlling, ~~and~~ preventing and testing for infections in the facility shall be established and followed. The policies and procedures shall be consistent with, and include, the requirements of the Control of Communicable Diseases Code (77 Ill. Adm. Code 690) and Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693). All staff (which, for purposes of this Section, includes individuals providing services under contractual or other arrangement and volunteers) shall be trained on the policies and procedures and training records shall be maintained for three years. Activities shall be monitored to ensure that these policies and procedures are followed. Infection control policies and procedures shall be maintained in the facility and made available, upon request, to:
- 1) staff;
  - 2) the resident and the resident's family or resident's representative; and
  - 3) the Department or the certified local health department.
- b) A group, i.e., an infection control committee, quality assurance committee, or other facility entity, shall periodically, but no less than annually, review the results of investigations and activities to control infections. Upon request, the facility shall provide the Department with the group's recommendations to control infections within the facility.
- c) Depending on the services provided by the facility, each facility shall adhere to the following guidelines of the Center for Infectious Diseases, Centers for Disease

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

Control and Prevention, United States Public Health Service, Department of Health and Human Services, as applicable (see Section 350.340):

- 1) Guideline for Prevention of Catheter-Associated Urinary Tract Infections
  - 2) Guideline for Hand Hygiene in Health-Care Settings
  - 3) Guidelines for Prevention of Intravascular Catheter-Related Infections
  - 4) Guideline for Prevention of Surgical Site Infection
  - 5) ~~Guidelines for Preventing Healthcare-Associated Pneumonia~~ Guideline for Prevention of Nosocomial Pneumonia
  - 6) 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings in Hospitals
  - 7) Infection Control in Healthcare Personnel: Infrastructure and Routine Practices for Occupational Infection Prevention and Control Services ~~Guidelines for Infection Control in Health Care Personnel~~
  - 8) Preparing for COVID-19 in Nursing Homes
  - 9) Responding to Coronavirus (COVID-19) in Nursing Homes
- d) Each facility shall conduct testing of residents and staff for the control or detection of communicable diseases when:
- 1) The facility is experiencing an outbreak; or
  - 2) Directed by the Department or the certified local health department when the chance of transmission is high, including, but not limited to, regional outbreaks, epidemics, or pandemics.
- e) COVID-19 Testing  
The facility shall test residents and staff, as provided in Section 350.1055, for COVID-19. At a minimum, the facility shall:
- 1) Conduct facility-wide initial testing for all residents and staff;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 2) Prioritize and conduct immediate testing of residents or staff with symptoms of COVID-19;
- 3) If a resident or staff tests positive for SARS-CoV-2 CO, all residents and staff who have not tested positive in the past 90 days shall be retested every three to seven days until no new cases are identified;
- 4) Conduct testing of staff when the facility is not experiencing an outbreak. The frequency of testing shall be based on the spread of the virus in the community in which the facility is located. Facilities shall use their county positivity rate from the prior week, as listed on the CMMS website <https://data.cms.gov/stories/s/COVID-19-Nursing-Home-Data/bkwz-xpvg>, as the trigger for staff testing frequency as follows:
  - A) If county positivity rate is below 5%, staff shall be tested once per month, at a minimum;
  - B) If county positivity rate is between 5% and 10%, staff shall be tested once a week, at a minimum;
  - C) If county positivity rate is greater than 10%, staff shall be tested at least twice per week; and
- 5) Conduct testing of residents who are asymptomatic and who leave the facility for medical treatment and then return (e.g., residents who receive regular hemodialysis, including those who are dialyzed at an onsite facility that treats nursing home and community patients), according to the frequency specified in subsection (e)(4);
- 6) Documentation
  - A) For residents, document in each resident's record any time a test was completed, including the result of the test, or whether testing was refused or contraindicated;
  - B) For staff members, document in each staff member's confidential medical file (as distinct from the staff member's personnel file) any



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

time a test was completed, including the result of the test, or whether testing was refused or contraindicated;

- C) For volunteers and individuals providing services under contractual or other arrangement, document, in each individual's confidential medical file, any time a test was completed, including the result of the test or whether testing was contraindicated. In the event that no confidential medical file is maintained, the agreement for the services that are being provided under arrangement, as well as the program for volunteers, shall include a process for documenting these results;
- 7) Upon confirmation that a resident or staff tests positive with COVID-19, or if a resident or staff displays symptoms consistent with COVID-19, take immediate steps to prevent the transmission of COVID-19, including but not limited to cohorting (i.e., residents who have tested positive for COVID-19 are housed on the same unit until they are no longer infectious), isolation and quarantine, environmental cleaning and disinfecting, hand hygiene, and use of appropriate personal protective equipment;
- 8) Have written procedures for addressing residents and staff who refuse testing or are unable to be tested, including a requirement that all volunteers shall agree to testing;
- f) Each facility shall make arrangements with a testing laboratory to process any specimens collected under subsections (d) and (e) and ensure that complete information is submitted with each specimen, including name, address, date of birth, sex, race, and ethnicity. A facility may use point-of-care antigen tests (e.g., BinaxNow) if real-time reverse transcription polymerase chain reaction (RT-PCR) tests cannot be obtained from an off-site testing laboratory with a less than 48 hour turn-around time.
- g) For testing done under subsections (d) and (e), each facility shall report weekly to the Department, on a form and in a manner prescribed by the Department, the number of residents and staff tested, and the number of positive, negative and indeterminate cases.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 19012, effective November 19, 2020, for a maximum of 150 days)