

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 50
ESSENTIAL SUPPORT PERSON CODE

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10	50.105	Essential Support Persons
11	50.110	Statewide Policy for Visitation with a Resident

12
13 AUTHORITY: Implementing and authorized by the Essential Support Person Act [210 ILCS
14 175].

15
16 SOURCE: Adopted at 48 Ill. Reg. _____, effective _____.

17
18 **Section 50.100 Definitions**

19
20 *Department – the Department of Public Health*

21
22 *Essential support – support that includes, but is not limited to assistance with*
23 *activities of daily living; and physical, emotional, psychological, and socialization*
24 *support for the resident.*

25
26 *Facility – any of the following:*

27
28 *a facility as defined in Section 10 of the Alzheimer's Disease and Related*
29 *Dementias Special Care Disclosure Act;*

30
31 *an assisted living establishment or shared housing establishment as*
32 *defined in Section 10 of the Assisted Living and Shared Housing Act;*

33
34 *a Community Living Facility as defined in Section 3 of the Community*
35 *Living Facilities Licensing Act;*

36
37 *a facility as defined in Section 2 of the Life Care Facilities Act;*

38
39 *a continuum of care facility as defined in Section 10 of the Continuum of*
40 *Care Services for the Developmentally Disabled Act;*

41
42 *a facility as defined in Section 1-113 of the Nursing Home Care Act;*
43

44 *a MC/DD facility as defined in Section 1-113 of the MC/DD Act;*
45
46 *an ID/DD facility as defined in Section 1-113 of the ID/DD Community*
47 *Care Act;*
48
49 *a hospice program as defined in Section 3 of the Hospice Program*
50 *Licensing Act;*
51
52 *a Supportive Residence as defined in Section 10 of the Supportive*
53 *Residences Licensing Act;*
54
55 *a facility as defined in Section 1-102 of the Specialized Mental Health*
56 *Rehabilitation Act of 2013;*
57
58 *a home, institution, or other place operated by or under the authority of*
59 *the Department of Veterans' Affairs;*
60
61 *an Alzheimer's disease management center alternative health care model*
62 *under the Alternative Health Care Delivery Act; and*
63
64 *a home, institution, or other place that is a State-operated mental health*
65 *or developmental disability center or facility.*
66
67 *Facility – does not include a hospital as defined in the Hospital Licensing Act*
68 *or any hospital authorized under the University of Illinois Hospital Act.*
69 *Facility does not include any facility that the Department of Public Health or*
70 *the Department of Veterans' Affairs does not regulate.*
71
72 *Office – the Office of State Long Term Care Ombudsman.*
73
74 *Person-centered care plan – a care plan for a resident developed by the resident*
75 *or resident's representative in consultation with health professionals that focuses*
76 *on the resident's physical, emotional, psychological, and socialization needs and*
77 *describes the resident's right to designate a primary essential support person or*
78 *secondary essential support person.*
79
80 *Primary essential support person – a person designated by a resident, or the*
81 *resident's representative, who has access to the resident in accordance with rules*
82 *set by the Department to provide essential support according to the resident's*
83 *person-centered care plan.*
84

85 *Resident – a person who is living in a facility or is seeking admission to a facility.*
86 *Resident includes a guardian of the person or an agent for the person under a*
87 *power of attorney.*
88

89 *Secondary essential support person – a person designated by the resident, or the*
90 *resident's representative, to serve as a backup to a primary essential support*
91 *person. (Section 5 of the Act)*
92

93 **Section 50.105 Essential Support Persons**
94

- 95 a) *A resident or the resident's representative may designate a primary essential*
96 *support person and a secondary essential support person who shall have access*
97 *to the resident despite general visitation restrictions imposed on other visitors,*
98 *provided that the primary essential support person or secondary essential support*
99 *person complies with the requirements of this Part to protect the health, safety,*
100 *and well-being of residents.*
101
102 b) *A facility shall explain to a resident or the resident's representative what a*
103 *primary essential support person and a secondary essential support person are.*
104 *(Section 10 of the Act)*
105
106 c) *If end of life care is taking place for the resident, the primary or secondary*
107 *essential support person shall have unrestricted access.*
108

109 **Section 50.110 Statewide Policy for Visitation with a Resident**
110

- 111 a) *If the Governor issues a proclamation under Section 7 of the Illinois Emergency*
112 *Management Agency Act declaring that a disaster relating to a public health*
113 *emergency exists, or when general visitation restrictions have been implemented*
114 *due to an isolated reason, facilities shall implement policies that address the*
115 *following regarding access to a resident:*
116
117 1) *Arrangements for regular visitation by visitors and other residents*
118 *through various means, including, but not limited to:*
119
120 A) *outdoor visitation;*
121
122 B) *the use of technologies to facilitate virtual visitation when all other*
123 *forms of visitation are unavailable; and*
124
125 C) *indoor visitation, including, but not limited to, indoor visitation 24*
126 *hours per day, 7 days per week when the resident is nearing the*
127 *end of his or her life as determined by any one or more of the*

128 *resident's attending health care professionals.* (Section 15(b)(1) of
129 the Act)

130
131 2) *The needs of the resident for physical, emotional, psychological, and*
132 *socialization support based on the resident's person-centered care plan.*
133 (Section 15(b)(2) of the Act) For the purposes of this subsection, visitors
134 may include:

- 135
136 i) primary and secondary essential support persons; and
137
138 ii) family, friends, and other visitors of the resident who agree to
139 comply with the safety protocols established in Section
140 50.110(a)(3).

141
142 3) *Safety protocols for all visitors to a facility, including, but not limited to,*
143 *primary essential support persons or secondary essential support persons,*
144 *if the Governor issues a proclamation under Section 7 of the Illinois*
145 *Emergency Management Agency Act declaring that a disaster relating to a*
146 *public health emergency exists.* (Section 15(b)(3) of the Act)

147
148 A) All visitors shall follow the same safety and infection control
149 protocols currently in place for facility staff.

150
151 B) Facility staff shall provide all visitors with copies (hardcopy or
152 electronic) of any facility policies or protocols, Department
153 guidance, or other necessary safety measures.

154
155 C) No individual may be designated as a primary or secondary
156 essential support person unless they can adhere to the facility's
157 policies and protocols in place.

158
159 i) Facilities shall require a primary or secondary essential
160 support person to agree, in writing, to comply with the
161 facility's safety and infection control protocols.

162
163 ii) Facilities shall place the signed agreement in the resident's
164 record. The form shall be made available to the
165 Department upon request.

166
167 4) *Allow access to a resident by a primary essential support person or*
168 *secondary essential support person despite general visitation restrictions,*
169 *provided that the primary essential support person or secondary essential*

- 170 *support person complies with safety protocols* provided in Section
171 50.110(b)(3). (Section 15(b)(4) of the Act)
172
173 b) *If a resident has not designated a primary essential support person, the facility*
174 *shall work with the resident or the resident's representative, a family member of*
175 *the resident, or a Long Term Care Ombudsman to identify a primary essential*
176 *support person and provide them access to the resident.* (Section 15(b)(5) of the
177 Act)