

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

PART 300  
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

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358 AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].  
 359

360 SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a  
 361 maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency  
 362 amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at  
 363 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982;  
 364 amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective  
 365 September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982;  
 366 amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective  
 367 December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill.  
 368 Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983;  
 369 amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992,  
 370 effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August  
 371 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999,  
 372 effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186,  
 373 effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984;  
 374 amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective  
 375 December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill.  
 376 Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987;  
 377 amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811,  
 378 effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24,  
 379 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg.  
 380 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended  
 381 at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective  
 382 October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg.  
 383 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended  
 384 at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420,  
 385 effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993;  
 386 emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days;  
 387 emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3,

388 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279,  
 389 effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993;  
 390 amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491,  
 391 effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended  
 392 at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567,  
 393 effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996;  
 394 amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective  
 395 September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at  
 396 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15,  
 397 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg.  
 398 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999;  
 399 amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911,  
 400 effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at  
 401 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002;  
 402 emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150  
 403 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective  
 404 March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at  
 405 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective  
 406 August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at  
 407 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective  
 408 November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003;  
 409 amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective  
 410 October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency  
 411 amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days;  
 412 emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective  
 413 September 23, 2005, for the remainder of the maximum 150 days; emergency amendment  
 414 expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at  
 415 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2,  
 416 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813,  
 417 effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill.  
 418 Reg. 19182, effective November 23, 2010; amended at 35 Ill. Reg. 3378, effective February 14,  
 419 2011; amended at 35 Ill. Reg. 11419, effective June 29, 2011; expedited correction at 35 Ill. Reg.  
 420 17468, effective June 29, 2011; amended at 36 Ill. Reg. 14090, effective August 30, 2012;  
 421 amended at 37 Ill. Reg. 2298, effective February 4, 2013; amended at 37 Ill. Reg. 4954, effective  
 422 March 29, 2013; amended at 38 Ill. Reg. 22851, effective November 21, 2014; amended at 39 Ill.  
 423 Reg. 5456, effective March 25, 2015; amended at 41 Ill. Reg. 14811, effective November 15,  
 424 2017; amended at 43 Ill. Reg. 3536, effective February 28, 2019; emergency amendment at 44  
 425 Ill. Reg. 8521, effective May 5, 2020, for a maximum of 150 days; emergency amendment to  
 426 emergency rule at 44 Ill. Reg. 16264, effective September 15, 2020, for the remainder of the 150  
 427 days; emergency rule as amended expired October 1, 2020; emergency amendment at 44 Ill.  
 428 Reg. 10217, effective May 28, 2020, for a maximum of 150 days; amended by emergency  
 429 amendment to emergency rule at 44 Ill. Reg. 12931, effective July 14, 2020, for the remainder of  
 430 the 150 days; emergency rule as amended repealed at 44 Ill. Reg. 17790, effective October 23,

431 2020; emergency amendment at 44 Ill. Reg. 16894, effective October 2, 2020, for a maximum of  
 432 150 days; emergency rule expired February 28, 2021; emergency amendment at 44 Ill. Reg.  
 433 18462, effective October 23, 2020, for a maximum of 150 days; emergency rule expired March  
 434 21, 2021; emergency amendment at 44 Ill. Reg. 19551, effective December 2, 2020, for a  
 435 maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 393, effective  
 436 December 18, 2020, for the remainder of the 150 days; emergency rule as amended expired April  
 437 30, 2021; amended at 45 Ill. Reg. 1134, effective January 8, 2021; emergency amendment at 45  
 438 Ill. Reg. 3046, effective March 1, 2021, for a maximum of 150 days; emergency amendment  
 439 repealed by emergency rulemaking at 45 Ill. Reg. 10087, effective July 25, 2021; emergency  
 440 amendment at 45 Ill. Reg. 4285, effective March 22, 2021, for a maximum of 150 days;  
 441 emergency expired August 18, 2021; emergency amendment at 45 Ill. Reg. 6354, effective May  
 442 1, 2021, for a maximum of 150 days; emergency expired September 27, 2021; emergency  
 443 amendment at 45 Ill. Reg. 9498, effective July 8, 2021, for a maximum of 150 days; emergency  
 444 amendment at 45 Ill. Reg. 10847, effective August 19, 2021, for a maximum of 150 days;  
 445 emergency amendment to emergency rule at 45 Ill. Reg. 12889, effective September 21, 2021,  
 446 for the remainder of the 150 days; emergency amendment to emergency rule at 45 Ill. Reg.  
 447 15127, effective November 9, 2021, for the remainder of the 150 days; emergency rule as  
 448 amended expired January 15, 2022; amended at 45 Ill. Reg. 11096, effective August 27, 2021;  
 449 emergency amendment at 45 Ill. Reg. 11941, effective September 17, 2021, for a maximum of  
 450 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 14550, effective November 5,  
 451 2021, for the remainder of the 150 days; emergency expired February 13, 2022; emergency  
 452 amendment at 45 Ill. Reg. 13108, effective September 28, 2021, for a maximum of 150 days;  
 453 emergency expired February 24, 2022; emergency amendment at 45 Ill. Reg. 14003, effective  
 454 October 22, 2021, for a maximum of 150 days; emergency expired March 20, 2022; amended at  
 455 45 Ill. Reg. 13953, effective October 25, 2021; expedited correction at 46 Ill. Reg. 4157,  
 456 effective October 25, 2021; emergency amendment at 46 Ill. Reg. 1928, effective January 16,  
 457 2022, for a maximum of 150 days; emergency amendment at 46 Ill. Reg. 3243, effective  
 458 February 14, 2022, for a maximum of 150 days; emergency expired July 13, 2022; emergency  
 459 amendment at 46 Ill. Reg. 4136, effective February 25, 2022, for a maximum of 150 days;  
 460 emergency expired July 24, 2022; emergency amendment at 46 Ill. Reg. 5554, effective March  
 461 21, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 6033, effective April 1, 2022;  
 462 amended at 46 Ill. Reg. 10460, effective May 31, 2022; emergency amendment at 46 Ill. Reg.  
 463 13378, effective July 14, 2022, for a maximum of 150 days; emergency amendment to  
 464 emergency rule at 46 Ill. Reg. 16428, effective September 19, 2022, for the remainder of the 150  
 465 days; emergency amendment to emergency rule at 46 Ill. Reg. 18219, effective October 31,  
 466 2022, for the remainder of the 150 days; emergency expired December 10, 2022; amended at 46  
 467 Ill. Reg. 14237, effective July 27, 2022; amended at 46 Ill. Reg. 16829, effective September 26,  
 468 2022; emergency amendment at 46 Ill. Reg. 20243, effective December 11, 2022, for a  
 469 maximum of 150 days; emergency expired May 9, 2023; amended at 47 Ill. Reg. 7717, effective  
 470 May 17, 2023; amended at 48 Ill. Reg. 3317, effective February 16, 2024; amended at 48 Ill.  
 471 Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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SUBPART A: GENERAL PROVISIONS

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**Section 300.340 Incorporated and Referenced Materials**

- a) The following regulations and standards are incorporated in this Part:
  - 1) Private and professional association standards:
    - A) ANSI/ASME Standard No. A17.1-2007, 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, NJ 07007-2900.
    - B) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2001), Handbook of Applications (2007), and ASHRAE Guideline 12-2020, "Managing the Risk of Legionellosis Associated with Building Water Systems" (March 30, 2021), which may be obtained from the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329.
    - C) American Society for Testing and Materials (ASTM) International Standard No. E90-09 (2009): Standard Test Method for Laboratory 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 (2010), which may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959.
    - D) International Building Code (IBC) (2012), which may be obtained from the International Code Council (ICC), 4051 W. Flossmoor Road, Country Club Hills, IL 60478-5795.
    - E) For existing facilities, National Fire Protection Association (NFPA) 101: Life Safety Code, (2012) Chapter 19 and all appropriate references under Chapter 2, and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169:
      - i) NFPA 20 (2010): Installation of Stationary Pumps for Fire Protection

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- ii) NFPA 22 (2008): Water Tanks for Private Fire Protection
  - iii) NFPA 101A (2013): Guide on Alternative Approaches to Life Safety
- F) For new facilities, the standards of the NFPA 101, Life Safety Code (2012), Chapter 18 and all appropriate references under Chapter 2, and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169:
- i) NFPA 20 (2010): Standard for the Installation of Stationary Pumps for Fire Protection
  - ii) NFPA 22 (2008), Standard for Water Tanks for Private Fire Protection
- G) For new and existing facilities, NFPA 99: Health Care Facilities Code – 2012 Edition.
- H) The following standards, which may be obtained from Underwriters Laboratories (UL), Inc., 333 Pfingsten Rd., Northbrook, IL 60062:
- i) Fire Resistance Directory (2015 Edition)
  - ii) Building Material Directory (2015 Edition)
- I) American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition DSM-5 (2022), available at: <https://appi.org/Products/dsm> or from the American Psychiatric Association, 800 Maine Avenue, SW, Suite 900, Washington, DC 20024.
- J) American College of Obstetricians and Gynecologists, Guidelines for Women's Health Care, Fourth Edition (2014), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, GA 31193-3104 (800-762-2264). (See Section 300.3220.)
- K) The Prescribers' Digital Reference (PDR) database, which may be accessed at [www.pdr.net](http://www.pdr.net).

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- L) The Lexicomp-online database, which may be accessed at [www.wolterskluwer CDI.com/lexicomp-online](http://www.wolterskluwer CDI.com/lexicomp-online).
  - M) The American Society of Health-System Pharmacists (ASHP) database, which may be accessed at [www.ashp.org](http://www.ashp.org).
- 2) Federal guidelines:  
The following guidelines and toolkits of the Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services, Agency for Healthcare Research and Quality, and Occupational Safety and Health Administration:
- A) Guideline for Prevention of Catheter-Associated Urinary Tract Infections, available at: <https://www.cdc.gov/infectioncontrol/guidelines/cauti/index.html> (June 6, 2019)
  - B) Guideline for Hand Hygiene in Health-Care Settings, available at: <https://www.cdc.gov/infectioncontrol/guidelines/hand-hygiene/index.html> (October 25, 2002)
  - C) Guidelines for Prevention of Intravascular Catheter-Related Infections, available at: <https://www.cdc.gov/hai/pdfs/bsi-guidelines-2011.pdf> (2011)
  - D) Guideline for Prevention of Surgical Site Infection, available at: <https://www.cdc.gov/infectioncontrol/guidelines/ssi/index.html> (August 2017)
  - E) Guideline for Preventing Healthcare-Associated Pneumonia, 2003, available at: <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5303al.htm> (March 26, 2004)
  - F) 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings, available at: <https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf> (July 2023)
  - G) Infection Control in Healthcare Personnel, available in two parts: Infrastructure and Routine Practices for Occupational Infection Prevention and Control Services (October 25, 2019) and

- 603 Epidemiology and Control of Selected Infections Transmitted  
 604 Among Healthcare Personnel and Patients ([March 28,](#)  
 605 ~~2024~~[October 3, 2022](#)), both available at:  
 606 [https://www.cdc.gov/infectioncontrol/guidelines/healthcare-](https://www.cdc.gov/infectioncontrol/guidelines/healthcare-personnel/index.html)  
 607 [personnel/index.html](https://www.cdc.gov/infectioncontrol/guidelines/healthcare-personnel/index.html)  
 608
- 609 H) The Core Elements of Antibiotic Stewardship for Nursing Homes,  
 610 available at:  
 611 [https://www.cdc.gov/longtermcare/prevention/antibiotic-](https://www.cdc.gov/longtermcare/prevention/antibiotic-stewardship.html#print)  
 612 [stewardship.html#print](https://www.cdc.gov/longtermcare/prevention/antibiotic-stewardship.html#print) (August 20,  
 613 ~~2021~~[http://www.cdc.gov/antibiotic-use/core-elements/pdfs/core-](http://www.cdc.gov/antibiotic-use/core-elements/pdfs/core-elements-antibiotic-stewardship-H.pdf)  
 614 ~~elements-antibiotic-stewardship-H.pdf~~  
 615
- 616 I) The Core Elements of Antibiotic Stewardship for Nursing Homes,  
 617 Appendix A: Policy and Practice Actions to Improve Antibiotic  
 618 Use, available at: [https://www.cdc.gov/antibiotic-use/core-](https://www.cdc.gov/antibiotic-use/core-elements/pdfs/core-elements-antibiotic-stewardship-appendix-a-508.pdf)  
 619 [elements/pdfs/core-elements-antibiotic-stewardship-appendix-a-](https://www.cdc.gov/antibiotic-use/core-elements/pdfs/core-elements-antibiotic-stewardship-appendix-a-508.pdf)  
 620 [508.pdf](https://www.cdc.gov/antibiotic-use/core-elements/pdfs/core-elements-antibiotic-stewardship-appendix-a-508.pdf)  
 621
- 622 J) Nursing Home Antimicrobial Stewardship Guide, available at:  
 623 <https://www.ahrq.gov/nhguide/index.html> (March 2023)  
 624
- 625 K) Toolkit 3. Minimum Criteria for Common Infections Toolkit,  
 626 available at: [https://www.ahrq.gov/nhguide/toolkits/determine-](https://www.ahrq.gov/nhguide/toolkits/determine-whether-to-treat/toolkit3-minimum-criteria.html)  
 627 [whether-to-treat/toolkit3-minimum-criteria.html](https://www.ahrq.gov/nhguide/toolkits/determine-whether-to-treat/toolkit3-minimum-criteria.html) (September 2017)  
 628
- 629 L) TB Infection Control in Health Care Settings (May 14, 2019)  
 630 available at:  
 631 [https://www.cdc.gov/tb/topic/infectioncontrol/TBhealthCareSettin](https://www.cdc.gov/tb/topic/infectioncontrol/TBhealthCareSettings.htm)  
 632 [gs.htm](https://www.cdc.gov/tb/topic/infectioncontrol/TBhealthCareSettings.htm)  
 633
- 634 M) Interim Infection Prevention and Control Recommendations for  
 635 Healthcare Personnel During the Coronavirus Disease 2019  
 636 (COVID-19) Pandemic ([March 18, 2024](#)~~May 8, 2023~~) available at:  
 637 [https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-](https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-recommendations.html)  
 638 [recommendations.html](https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-recommendations.html)  
 639
- 640 N) Implementation of Personal Protective Equipment (PPE) in  
 641 Nursing Homes to Prevent Spread of Novel or Targeted Multidrug-  
 642 resistant Organisms (MDROs) (July 12, 2022) available at:  
 643 <https://www.cdc.gov/hai/containment/PPE-Nursing-Homes.html>  
 644

- 645 O) Hospital Respiratory Protection Program Toolkit: Resources for  
646 Respirator Program Administrators (April 2022) available at:  
647 <https://www.cdc.gov/niosh/docs/2015-117/default.html>  
648
- 649 P) Respiratory Protection Guidance for the Employers of Those  
650 Working in Nursing Homes, Assisted Living, and Other Long-  
651 Term Care Facilities During the COVID-19 Pandemic available at:  
652 [https://www.osha.gov/sites/default/files/respiratory-protection-  
653 covid19-long-term-care.pdf](https://www.osha.gov/sites/default/files/respiratory-protection-covid19-long-term-care.pdf)  
654
- 655 Q) Guidelines for Environmental Infection Control in Health-Care  
656 Facilities (July 2019) available at:  
657 [https://www.cdc.gov/infectioncontrol/guidelines/environmental/  
658 index.html](https://www.cdc.gov/infectioncontrol/guidelines/environmental/index.html)  
659
- 660 R) Toolkit for Controlling Legionella in Common Sources of  
661 Exposure (January 13, 2021), available at:  
662 [https://www.cdc.gov/legionella/downloads/Control-Toolkit-All-  
663 Modules.pdf](https://www.cdc.gov/legionella/downloads/Control-Toolkit-All-Modules.pdf)  
664
- 665 3) Federal regulations:  
666
- 667 A) 21 CFR 1306, Prescriptions (April 1, ~~2023~~2022)  
668
- 669 B) 42 CFR 483, Requirements for States and Long-Term Care  
670 Facilities (October 1, ~~2023~~2022)  
671
- 672 C) 38 CFR 17.73, Medical Foster Homes – General (July 1,  
673 ~~2023~~2022)  
674
- 675 D) 42 CFR 483.80, Infection Control (October 1, ~~2023~~2022)  
676
- 677 b) All incorporations by reference of federal regulations and the standards of  
678 nationally recognized organizations refer to the regulations and standards on the  
679 date specified and do not include any amendments or editions subsequent to the  
680 date specified.  
681
- 682 c) The following statutes and State regulations are referenced in this Part:  
683
- 684 1) Federal statutes:  
685
- 686 A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)  
687



- 688 B) Social Security Act (42 U.S.C. 301 et seq., 1935 et seq. and 1936  
689 et seq.)  
690  
691 C) Controlled Substances Act (21 U.S.C. 802)  
692  
693 2) State of Illinois statutes:  
694  
695 A) Substance Use Disorder Act [20 ILCS 301]  
696  
697 B) Child Care Act of 1969 [225 ILCS 10]  
698  
699 C) Court of Claims Act [705 ILCS 505]  
700  
701 D) Illinois Dental Practice Act [225 ILCS 25]  
702  
703 E) Election Code [10 ILCS 5]  
704  
705 F) Freedom of Information Act [5 ILCS 140]  
706  
707 G) General Not For Profit Corporation Act of 1986 [805 ILCS 105]  
708  
709 H) Hospital Licensing Act [210 ILCS 85]  
710  
711 I) Illinois Controlled Substances Act [720 ILCS 570]  
712  
713 J) Illinois Health Facilities Planning Act [20 ILCS 3960]  
714  
715 K) Illinois Municipal Code [65 ILCS 5]  
716  
717 L) Nurse Practice Act [225 ILCS 65]  
718  
719 M) Illinois Occupational Therapy Practice Act [225 ILCS 75]  
720  
721 N) Illinois Physical Therapy Act [225 ILCS 90]  
722  
723 O) Life Care Facilities Act [210 ILCS 40]  
724  
725 P) Local Governmental and Governmental Employees Tort Immunity  
726 Act [745 ILCS 10]  
727  
728 Q) Medical Practice Act of 1987 [225 ILCS 60]  
729  
730 R) Mental Health and Developmental Disabilities Code [405 ILCS 5]

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- 732 S) Nursing Home Administrators Licensing and Disciplinary Act
- 733 [225 ILCS 70]
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- 735 T) Nursing Home Care Act [210 ILCS 45]
- 736
- 737 U) Pharmacy Practice Act [225 ILCS 85]
- 738
- 739 V) Probate Act of 1975 [775 ILCS 5]
- 740
- 741 W) Illinois Public Aid Code [305 ILCS 5]
- 742
- 743 X) Illinois Administrative Procedure Act [5 ILCS 100]
- 744
- 745 Y) Clinical Psychologist Licensing Act [225 ILCS 15]
- 746
- 747 Z) Dietitian Nutritionist Practice Act [225 ILCS 30]
- 748
- 749 AA) Health Care Worker Background Check Act [225 ILCS 46]
- 750
- 751 BB) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- 752
- 753 CC) Illinois Living Will Act [755 ILCS 35]
- 754
- 755 DD) Illinois Power of Attorney Act [755 ILCS 45/Art. IV]
- 756
- 757 EE) Health Care Surrogate Act [755 ILCS 45]
- 758
- 759 FF) Health Care Right of Conscience Act [745 ILCS 70]
- 760
- 761 GG) Abused and Neglected Long-Term Care Facility Residents
- 762 Reporting Act [210 ILCS 30]
- 763
- 764 HH) Supportive Residences Licensing Act [210 ILCS 65]
- 765
- 766 II) Community Living Facilities Licensing Act [210 ILCS 35]
- 767
- 768 JJ) Community-Integrated Living Arrangements Licensure and
- 769 Certification Act [210 ILCS 135]
- 770
- 771 KK) Counties Code [55 ILCS 5]
- 772
- 773 LL) Professional Counselor and Clinical Professional Counselor

- 774                   Licensing Act [225 ILCS 107]  
775  
776           MM)   Podiatric Medical Practice Act of 1987 [225 ILCS 100]  
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778           NN)   Illinois Optometric Practice Act of 1987 [225 ILCS 80]  
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780           OO)   Physician Assistant Practice Act of 1987 [225 ILCS 95]  
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782           PP)   Alzheimer's Disease and Related Dementias Special Care  
783               Disclosure Act [210 ILCS 4]  
784  
785           QQ)   Illinois Act on the Aging [20 ILCS 105]  
786  
787           RR)   Alternative Health Care Delivery Act [210 ILCS 3]  
788  
789           SS)   Assisted Living and Shared Housing Act [210 ILCS 9]  
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791           TT)   Language Assistance Services Act [210 ILCS 87]  
792  
793           UU)   Alzheimer's Disease and Related Dementias Services Act [410  
794               ILCS 406]  
795  
796           VV)   Illinois Uniform Conviction Information Act [20 ILCS 2635]  
797  
798           WW)   Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS  
799               49]  
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801           XX)   ID/DD Community Care Act [210 ILCS 47]  
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803           YY)   MC/DD Act [210 ILCS 46]  
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805           ZZ)   Home Health, Home Services, and Home Nursing Agency  
806               Licensing Act [210 ILCS 55]  
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808           AAA)  Methamphetamine Control and Community Protection Act [720  
809               ILCS 646]  
810  
811           BBB)  Sex Offender Management Board Act [20 ILCS 4026]  
812  
813           CCC)  Illinois Emergency Management Agency Act [20 ILCS 3305]  
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815           DDD)  Authorized Electronic Monitoring in Long-Term Care Facilities  
816               Act [210 ILCS 32]

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- 3) State of Illinois rules:
  - A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 2120)
  - B) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
  - C) Department of Public Health:
    - i) Control of Notifiable Diseases and Conditions Code (77 Ill. Adm. Code 690)
    - ii) Control of Sexually Transmissible Infections Code (77 Ill. Adm. Code 693)
    - iii) Food 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) Water Well Construction Code (77 Ill. Adm. Code 920)
    - 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) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
    - xi) Medically Complex for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 390)
    - xii) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
    - xiii) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

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- xiv) Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
  - xv) Language Assistance Services Code (77 Ill. Adm. Code 940)
  - xvi) Alzheimer's Disease And Related Dementias Services Code (77 Ill. Adm. Code 973)
  - xvii) Specialized Mental Health Rehabilitation Facilities Code (77 Ill. Adm. Code 380)
  - xviii) Supportive Residences Licensing Code (77 Ill. Adm. Code 385)
  - xix) Authorized Electronic Monitoring in Long-Term Care Facilities Code (77 Ill. Adm. Code 389)
- D) Department of Financial and Professional Regulation:
- i) Illinois Controlled Substances Act (77 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 3706)
- G) Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)
- H) Department on Aging, Community Care Program (89 Ill. Adm. Code 240)

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART P: RESIDENT'S RIGHTS

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902 **Section 300.3300 Transfer or Discharge**

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- a) *A resident may be discharged from a facility after the resident~~he or she~~ gives the administrator, a physician, or a nurse of the facility written notice of their~~his or her~~ desire to be discharged. If a guardian has been appointed for a resident or if the resident is a minor, the resident shall be discharged upon written consent of their~~his or her~~ guardian or if the resident is a minor, their~~his or her~~ parent unless there is a court order to the contrary. In such cases, upon the resident's discharge, the facility is relieved from any responsibility for the resident's care, safety or well-being. (Section 2-111 of the Act)*
  
- b) *Each resident's rights regarding involuntary transfer or discharge from a facility shall be as described in subsections (c) through (y) of this Section.*
  
- c) *Reasons for Transfer or Discharge*
  - 1) *A facility may involuntarily transfer or discharge a resident only for one or more of the following reasons:*
    - A) *for medical reasons;*
    - B) *for the resident's physical safety;*
    - C) *for the physical safety of other residents, the facility staff or facility visitors; or*
    - D) *for either late payment or nonpayment for the resident's stay, except as prohibited by Titles XVIII and XIX of the federal Social Security Act. For purposes of this Section, "late payment" means non-receipt of payment after submission of a bill. If payment is not received within 45 days after submission of a bill, a facility may send a notice to the resident and responsible party requesting payment within 30 days. If payment is not received within such 30 days, the facility may thereupon institute transfer or discharge proceedings by sending a notice of transfer or discharge to the resident and responsible party by registered or certified mail. The notice shall state, in addition to the requirements of Section 3-403 of the Act and subsection (e) of this Section, that the responsible party has the right to pay the amount of the bill in full up to the date the transfer or discharge is to be made and then the resident shall have the right to remain in the facility. Such payment shall terminate the transfer or discharge proceedings. This subsection (c) does not apply to those residents whose care is provided under the Illinois Public Aid Code. (Section 3-401 of the Act)*

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2) Prohibition of Discrimination

- A) *A facility participating in the Medical Assistance Program is prohibited from failing or refusing to retain as a resident any person because the resident ~~he or she~~ is a recipient of or an applicant for the Medical Assistance Program. (Section 3-401.1(a) of the Act) For the purposes of Section 3-401.1 of the Act, a recipient or applicant shall be considered a resident in the facility during any hospital stay totaling 10 days or less following a hospital admission. (Section 3-401.1(a-10) of the Act) The day on which a resident is discharged from the facility and admitted to the hospital shall be considered the first day of the 10-day period.*
- B) *A facility which violates subsection (c)(2)(A) of this Section shall be guilty of a business offense and fined not less than \$500 nor more than \$1,000 for the first offense and not less than \$1,000 nor more than \$5,000 for each subsequent offense. (Section 3-401.1(b) of the Act)*

d) *Involuntary transfer or discharge of a resident from a facility shall be preceded by the discussion required under subsection (j) of this Section and by a minimum written notice of 21 days, except in one of the following instances:*

- 1) *When an emergency transfer or discharge is ordered by the resident's attending physician because of the resident's health care needs. The State Long Term Care Ombudsman shall be notified at the time of the emergency transfer or discharge; (Section 3-402(a) of the Act)*
- 2) *When the transfer or discharge is mandated by the physical safety of other residents, the facility staff, or facility visitors, as documented in the clinical record. The Department and the State Long Term Care Ombudsman shall be notified prior to any such involuntary transfer or discharge. The Department will immediately offer transfer, or discharge and relocation assistance to residents transferred or discharged under this subsection (d)(2), and the Department may place relocation teams as provided in Section 3-419 of the Act; or (Section 3-402(b) of the Act)*
- 3) *When an identified offender is within the provisional admission period defined in Section 1-120.3 of the Act and Section 300.330 of this Part. If the Identified Offender Report and Recommendation prepared under Section 2-201.6 of the Act shows that the identified offender poses a serious threat or danger to the physical safety of other residents, the*

989 *facility staff, or facility visitors in the admitting facility, and the facility*  
990 *determines that it is unable to provide a safe environment for the other*  
991 *residents, the facility staff, or facility visitors, the facility shall transfer or*  
992 *discharge the identified offender within 3 days after its receipt of the*  
993 *Identified Offender Report and Recommendation. (Section 3-402(c) of the*  
994 *Act)*  
995

996 e) For transfer or discharge made under subsection (d), the notice of transfer or  
997 discharge shall be made as soon as practicable before the transfer or discharge.  
998 *The notice required by subsection (d) of this Section shall be on a form prescribed*  
999 *by the Department and shall contain all of the following:*

- 1000
- 1001 1) *The stated reason for the proposed transfer or discharge; (Section 3-*  
1002 *403(a) of the Act)*
- 1003
- 1004 2) *The effective date of the proposed transfer or discharge; (Section 3-403(b)*  
1005 *of the Act)*
- 1006
- 1007 3) *A statement in not less than 12-point type, which reads:*  
1008  
1009 *"You have a right to appeal the facility's decision to transfer or discharge*  
1010 *you. If you think you should not have to leave this facility, you may file a*  
1011 *request for a hearing with the Department of Public Health within 10 days*  
1012 *after receiving this notice. If you request a hearing, it will be held not*  
1013 *later than 10 days after your request, and you generally will not be*  
1014 *transferred or discharged during that time. If the decision following the*  
1015 *hearing is not in your favor, you generally will not be transferred or*  
1016 *discharged prior to the expiration of 30 days following receipt of the*  
1017 *original notice of the transfer or discharge. A form to appeal the facility's*  
1018 *decision and to request a hearing is attached. If you have any questions,*  
1019 *call the Department of Public Health [or the State Long Term Care](#)*  
1020 *[Ombudsman](#) at the telephone ~~numbers~~[number](#) listed below.";* (Section 3-  
1021 *403(c) of the Act)*
- 1022
- 1023 4) *A hearing request form, together with a postage paid, preaddressed*  
1024 *envelope to the Department; and (Section 3-403(d) of the Act)*
- 1025
- 1026 5) *The name, address, and telephone number of the person charged with the*  
1027 *responsibility of supervising the transfer or discharge. (Section 3-403(e)*  
1028 *of the Act)*

1029

1030 f) *A request for a hearing made under subsection (e) of this Section and Section 3-*  
1031 *403 of the Act shall stay a transfer pending a hearing or appeal of the decision,*



- 1032 *unless a condition which would have allowed transfer or discharge in less than 21*  
 1033 *days as described under subsections (d)(1) and (2) of this Section develops in the*  
 1034 *interim. (Section 3-404 of the Act)*  
 1035
- 1036 g) *A copy of the notice required by subsection (d)(1) of this Section and Section 3-*  
 1037 *402 of the Act shall be placed in the resident's clinical record and a copy shall be*  
 1038 *transmitted to the Department, the State Long-Term Care Ombudsman, the*  
 1039 *resident, and the resident's representative. (Section 3-405 of the Act)*  
 1040
- 1041 h) *When the basis for an involuntary transfer or discharge is the result of an action*  
 1042 *by the Department of Healthcare and Family Services with respect to a recipient*  
 1043 *of Title XIX and a hearing request is filed with the Department of Healthcare and*  
 1044 *Family Services, the 21-day written notice period shall not begin until a final*  
 1045 *decision in the matter is rendered by the Department of Healthcare and Family*  
 1046 *Services or a court of competent jurisdiction and notice of that final decision is*  
 1047 *received by the resident and the facility. (Section 3-406 of the Act)*  
 1048
- 1049 i) *When nonpayment is the basis for involuntary transfer or discharge, the resident*  
 1050 *shall have the right to redeem up to the date that the discharge or transfer is to be*  
 1051 *made and then shall have the right to remain in the facility. (Section 3-407 of the*  
 1052 *Act)*  
 1053
- 1054 j) *The planned involuntary transfer or discharge shall be discussed with the*  
 1055 *resident, the resident's representative and person or agency responsible for the*  
 1056 *resident's placement, maintenance, and care in the facility. The explanation and*  
 1057 *discussion of the reasons for involuntary transfer or discharge shall include the*  
 1058 *facility administrator or other appropriate facility representative as the*  
 1059 *administrator's designee. The content of the discussion and explanation shall be*  
 1060 *summarized in writing and shall include the names of the individuals involved in*  
 1061 *the discussions and made a part of the resident's clinical record. (Section 3-408*  
 1062 *of the Act)*  
 1063
- 1064 k) *The facility shall offer the resident counseling services before the transfer or*  
 1065 *discharge of the resident. (Section 3-409 of the Act)*  
 1066
- 1067 l) *A resident subject to involuntary transfer or discharge from a facility, the*  
 1068 *resident's guardian or if the resident is a minor, the resident's, ~~his or her parent~~*  
 1069 *shall have the opportunity to file a request for a hearing with the Department*  
 1070 *within 10 days following receipt of the written notice of the involuntary transfer*  
 1071 *or discharge by the facility. (Section 3-410 of the Act)*  
 1072
- 1073 m) *The Department of Public Health, when the basis for involuntary transfer or*  
 1074 *discharge is other than action by the Department of Healthcare and Family*

1075 *Services with respect to the Title XIX Medicaid recipient, shall hold a hearing at*  
 1076 *the resident's facility not later than 10 days after a hearing request is filed, and*  
 1077 *render a decision within 14 days after the filing of the hearing request. (Section*  
 1078 *3-411 of the Act)*

1079  
 1080 n) *The hearing before the Department provided under subsection (m) of this Section*  
 1081 *shall be conducted as prescribed under Section 3-703 of the Act. In determining*  
 1082 *whether a transfer or discharge is authorized, the burden of proof in this hearing*  
 1083 *rests on the person requesting the transfer or discharge. (Section 3-412 of the*  
 1084 *Act)*

1085  
 1086 o) *If the Department determines that a transfer or discharge is authorized under*  
 1087 *subsection (c) of this Section, the resident shall not be required to leave the*  
 1088 *facility before the 34<sup>th</sup> day following receipt of the notice required under*  
 1089 *subsection (d) of this Section, or the 10<sup>th</sup> day following receipt of the*  
 1090 *Department's decision, whichever is later, unless a condition which would have*  
 1091 *allowed transfer or discharge in less than 21 days as described under subsections*  
 1092 *(d)(1) and (2) of this Section develops in the interim. (Section 3-413 of the Act)*

1093  
 1094 p) *The Department of Healthcare and Family Services shall continue Title XIX*  
 1095 *Medicaid funding during the appeal, transfer, or discharge period for those*  
 1096 *residents who are Title XIX recipients affected by subsection (c) of this Section.*  
 1097 *(Section 3-414 of the Act)*

1098  
 1099 q) *The Department ~~will~~<sup>may</sup> transfer or discharge any resident from any facility*  
 1100 *required to be licensed under the Act and this Part when any of the following*  
 1101 *conditions exist:*

1102  
 1103 1) *~~The~~<sup>The</sup> such facility is operating without a license; (Section 3-415(a) of the*  
 1104 *Act)*

1105  
 1106 2) *The Department has suspended, revoked or refused to renew the license of*  
 1107 *the facility as provided under Section 3-119 of the Act. (Section 3-415(b)*  
 1108 *of the Act)*

1109  
 1110 3) *The facility has requested the aid of the Department in the transfer or*  
 1111 *discharge of the resident and the Department finds that the resident*  
 1112 *consents to transfer or discharge; (Section 3-415(c) of the Act)*

1113  
 1114 4) *The facility is closing or intends to close and adequate arrangement for*  
 1115 *relocation of the resident has not been made at least 30 days prior to*  
 1116 *closure; or (Section 3-415(d) of the Act)*

1117

- 1118 5) *The Department determines that an emergency exists which requires*  
 1119 *immediate transfer or discharge of the resident. (Section 3-415(e) of the*  
 1120 *Act)*  
 1121
- 1122 r) *In deciding to transfer or discharge a resident from a facility under subsection (q)*  
 1123 *of this Section, the Department ~~will~~~~shall~~ consider the likelihood of serious harm*  
 1124 *which may result if the resident remains in the facility. (Section 3-416 of the Act)*  
 1125
- 1126 s) *The Department ~~will~~~~shall~~ offer transfer or discharge and relocation assistance to*  
 1127 *residents transferred or discharged under subsections (c) through (q) of this*  
 1128 *Section, including information on available alternative placements. Residents*  
 1129 *shall be involved in planning the transfer or discharge and shall choose among*  
 1130 *the available alternative placements, except that where an emergency makes prior*  
 1131 *resident involvement impossible, the Department ~~will~~~~may~~ make a temporary*  
 1132 *placement until a final placement can be arranged. Residents may choose their*  
 1133 *final alternative placement and shall be given assistance in transferring to such*  
 1134 *place. No resident ~~shall~~~~may~~ be forced to remain in a temporary or permanent*  
 1135 *placement. ~~When~~~~Where~~ the Department makes or participates in making the*  
 1136 *relocation decision, consideration shall be given to proximity to the resident's*  
 1137 *relatives and friends. The resident shall be allowed 3 visits to potential*  
 1138 *alternative placements prior to removal, except where medically contraindicated*  
 1139 *or where the need for immediate transfer or discharge requires reduction in the*  
 1140 *number of visits. When the Department provides information on available*  
 1141 *alternative placements in community-based settings for individuals being*  
 1142 *discharged or transferred from facilities licensed under the Act, the information*  
 1143 *must include a comprehensive list of a range of appropriate, client-oriented*  
 1144 *services and the name of and contact information for the ADA coordinator in the*  
 1145 *relocation locale. The comprehensive list must include the name and contact*  
 1146 *information for each agency or organization providing those services and a*  
 1147 *summary of the services provided by each agency or organization. A hotline or*  
 1148 *similar crisis telephone number must also be provided to individuals relocating*  
 1149 *into the community. (Section 3-417 of the Act)*  
 1150
- 1151 t) *The Department ~~will~~~~shall~~ prepare resident transfer or discharge plans to assure*  
 1152 *safe and orderly removals and protect residents' health, safety, welfare and*  
 1153 *rights. In nonemergencies and where possible in emergencies, the Department*  
 1154 *~~will~~~~shall~~ design and implement such plans in advance of transfer or discharge.*  
 1155 *(Section 3-418 of the Act)*  
 1156
- 1157 u) *The Department ~~will~~~~may~~ place relocation teams in any facility from which*  
 1158 *residents are being discharged or transferred for any reason, for the purpose of*  
 1159 *implementing transfer or discharge plans. (Section 3-419 of the Act)*  
 1160

- 1161 v) *In any transfer or discharge conducted under subsections (q) through (t) of this*  
 1162 *Section the Department ~~will~~shall:*  
 1163
- 1164 1) *Provide written notice to the facility prior to the transfer or discharge.*  
 1165 *The notice ~~will~~shall state the basis for the order of transfer or discharge*  
 1166 *and ~~will~~shall inform the facility of its right to an informal conference prior*  
 1167 *to transfer or discharge under this Section, and its right to a subsequent*  
 1168 *hearing under subsection (x) of this Section. If a facility desires to contest*  
 1169 *a nonemergency transfer or discharge, prior to transfer or discharge it*  
 1170 *shall, within four working days after receipt of the notice, send a written*  
 1171 *request for an informal conference to the Department. The Department*  
 1172 *~~will~~shall, within four working days from the receipt of the request, hold an*  
 1173 *informal conference in the county in which the facility is located.*  
 1174 *Following this conference, the Department ~~will~~may affirm, modify or*  
 1175 *overrule its previous decision. Except in an emergency, transfer or*  
 1176 *discharge ~~shall~~may not begin until the period for requesting a conference*  
 1177 *has passed or, if a conference is requested, until after a conference has*  
 1178 *been held; and (Section 3-420(a) of the Act)*  
 1179
- 1180 2) *Provide written notice to any resident to be removed, to the resident's*  
 1181 *representative, if any, and to a member of the resident's family, where*  
 1182 *practicable, prior to the removal. The notice ~~will~~shall state the reason for*  
 1183 *which transfer or discharge is ordered and ~~will~~shall inform the resident of*  
 1184 *the resident's right to challenge the transfer or discharge under subsection*  
 1185 *(x) of this Section. The Department ~~will~~shall hold an informal conference*  
 1186 *with the resident or the resident's representative prior to transfer or*  
 1187 *discharge at which the resident or the representative may present any*  
 1188 *objections to the proposed transfer or discharge plan or alternative*  
 1189 *placement. (Section 3-420(b) of the Act)*  
 1190
- 1191 w) *In any transfer or discharge conducted under subsection (q)(5) of this Section, the*  
 1192 *Department ~~will~~shall notify the facility and any resident to be removed that an*  
 1193 *emergency has been found to exist and removal has been ordered, and ~~will~~shall*  
 1194 *involve the residents in removal planning if possible. With the consent of the*  
 1195 *resident or ~~the resident's~~his or her representative, the facility must inform the*  
 1196 *resident's designated ~~care~~case coordination unit, as defined in 89 Ill. Adm. Code*  
 1197 *240.260, of the resident's pending discharge and must provide the resident or ~~the~~*  
 1198 *~~resident's~~his or her representative with the ~~care~~case coordination unit's telephone*  
 1199 *number and other contact information. Following emergency removal, the*  
 1200 *Department ~~will~~shall provide written notice to the facility, to the resident, to the*  
 1201 *resident's representative, if any, and to a member of the resident's family, where*  
 1202 *practicable, of the basis for the finding that an emergency existed and of the right*  
 1203 *to challenge removal under subsection (x) of this Section. (Section 3-421 of the*

1204 Act)

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x) *Within ten days following transfer or discharge, the facility or any resident transferred or discharged may send a written request to the Department for a hearing under Section 3-703 of the Act to challenge the transfer or discharge. The Department ~~will~~shall hold the hearing within 30 days after receipt of the request. The hearing ~~will~~shall be held at the facility from which the resident is being transferred or discharged, unless the resident or resident's representative requests an alternative hearing site. If the facility prevails, it may file a claim against the State under the Court of Claims Act for payments lost less expenses saved as a result of the transfer or discharge. No resident transferred or discharged may be held liable for the charge for care which would have been made had the resident remained in the facility. If a resident prevails, the resident may file a claim against the State under the Court of Claims Act for any excess expenses directly caused by the order to transfer or discharge. The Department ~~will~~shall assist the resident in returning to the facility if assistance is requested. (Section 3-422 of the Act)*

y) *The administrator of a facility licensed under the Act shall give 60 days notice prior to voluntarily closing a facility or closing any part of a facility, or prior to closing any part of a facility if closing such part will require the transfer or discharge of more than 10% of the residents. Such notice shall be given to the Department, to the Office of State Long Term Care Ombudsman, to any resident who must be transferred or discharged, to the resident's representative, and to a member of the resident's family, where practicable. If the Department suspends, revokes, or denies renewal of the facility's license, then notice shall be given no later than the date specified by the Department. Notice shall state the proposed date of closing and the reason for closing. The facility shall submit a closure plan to the Department for approval which shall address the process for the safe and orderly transfer of residents. The approved plan shall be included in the notice. The facility shall offer to assist the resident in securing an alternative placement and shall advise the resident on available alternatives. ~~When~~Where the resident is unable to choose an alternate placement and is not under guardianship, the Department shall be notified of the need for relocation assistance. A facility closing in its entirety shall not admit any new residents on or after the date written notice is submitted to the Department under the Act and this Part. The facility shall comply with all applicable laws and regulations until the date of closing, including those related to transfer or discharge of residents. The Department ~~will~~may place a relocation team in the facility as provided under subsection (u) of this Section. (Section 3-423 of the Act)*

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)