**Section 103.11 Definitions**

For the purpose of this Part, the following terms are defined:

 "Accreditation." A process establishing that a program complies with nationally recognized standards of care as set by one of the following:

 1997 Hospital Accreditation Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

 1997 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

 1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

 Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 1996);

 Outcome Based Performance Measures (The Council, 100 West Road, Suite 406, Towson, Maryland 21204, 1993);

 Standards Manual and Interpretive Guidelines for Behavioral Health (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996);

 Standards Manual and Interpretive Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996); or

 Education Standards (National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, 15 West 65th Street, New York, New York 10023, 1994).

 "Agency plan." A part of the grant agreement which identifies the services to be provided, the target population and the geographic areas to be served. It identifies how the services will be financed and through what budget items and funding sources.

 "Authorized agency representative." The administrative head of an agency appointed by the agency's governing body with overall responsibility for fiscal and programmatic management.

 "Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

 "Community agency" or "agency." Local government or not-for-profit corporation under contract with the Department to provide services.

 "Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

 "Control." For a not-for-profit corporation, control is indicated if current members of the governing body (or staff) of the agency comprise 50 percent or more of the governing body of the controlled entity or the governing body of the agency can select 50 percent or more of the controlled entity, or any combination of seats and selection that results in influencing 50 percent or more of the seats of the controlled entity. For a for-profit corporation, control is indicated if the agency owns or controls, by options or trust, 50 percent or more of the voting stock of the corporation, or has control over the selection of over 50 percent of the governing body of the for-profit corporation, or the hiring of its management. For a partnership, control is being a general partner in a limited partnership, or being a partner with more than 50 percent of the invested equity in a general partnership. For a sole proprietorship, control exists if the proprietor is a full or part-time employee of the grantee.

 "Controlled entity." Any corporation, partnership or sole proprietorship that is controlled by the agency's governing body.

 "Day mode." An administrative designation quantifying service activities which are delivered during any substantial and regularly scheduled portion of a specific 24-hour time period.

 "Days." Calendar days unless otherwise specified.

 "Department." The Department of Human Services.

 "Deemed status." If an agency has been accredited by an approved accrediting body as identified in the definition of "accreditation" in this Section, the Department shall deem the agency to be in compliance with specific Sections of this Part. Deemed status, however, may be nullified by a finding by the Department that the agency is in substantial non-compliance with one or more of the designated Sections.

 "Event mode." An administrative designation quantifying service activities which are delivered in short, time-limited segments.

 "Fair market value." The prevailing rate at which similar business is contracted in the agency's community, including the following specific criteria:

 Fair market rent means up to plus 10 percent from the average of two estimates of appropriate rental costs from two local appraisers, which the agency is responsible for securing. If the appropriate rental cost is unclear, the Department and the agency shall establish a fair and appropriate fee.

 Fair market fees for personnel means, whenever possible, the like prevailing rates in the community on a per day or per hour basis.

 "Geographic service area." A geographic division for the purpose of providing locally-operated networks of services. The Department's programs are funded through a structure of service areas.

 "Governing body." The policy-making authority of an agency which establishes policies concerning the agency's operation and the welfare of individuals; provides for the agency's administration by appointing an authorized agency representative to implement its policies, and exercises general oversight of the agency's operation, its fiscal affairs and programmatic content to implement the agency's mission.

 "Grant agreement." When fully executed, the obligating instrument providing the basis for Departmental financial participation in grant-in-aid programs, and which formalizes the contractual relationship between the Department and the agency indicating the amount of Department funds which will be paid to the agency for the provision of services as described in the grant agreement and the agency plan.

 "Individual" or "individuals." A person or persons who receives or receive mental health or developmental disability services.

 "Lapse." Grant funds not expensed at the expiration of the grant agreement, due to allowable expenses not meeting revenue for Department grant funds awarded, by program.

 "Lapse notice." A notification that the Department has determined potential lapsed funds, when the Department revenue by program exceeds allowable expense, by Department-funded program.

 "Linkage." Person-to-person contact to assure that the supports and services needed by the individual and specified in the individual services plan are obtained. The qualified mental retardation professional, qualified mental health professional or staff under their supervision shall be responsible for assuring linkage.

 "Medicaid." Medical assistance issued by the Illinois Department of Public Aid under the provisions of Title XIX of the Social Security Act (42 U.S.C.A. 1396 et seq. (1996)), for eligible recipients including Aid to the Aged, Blind and Disabled (AABD), Temporary Assistance to Needy Families (TANF), Medical Assistance No Grant (MANG), Refugee Repatriate Program (RRP) recipients, as well as Title XIX eligible Department of Children and Family Services (DCFS) wards.

 "Network of services." A network which is developed and maintained by service providers, community residents (including consumers and consumer representatives), mental health authorities and the Department (including State-operated facilities), and which is planned, organized and coordinated for the delivery of mental disabilities services. Such a network will emphasize continuity, accessibility, appropriateness and comprehensiveness.

 "Operating fund." A term inclusive of funds an agency may have in its accounting records, except those in a capital fund(s).

 "Performance indicator." A qualitative and/or quantitative measure that can be included: in the assessment of how well the mental health and developmental disabilities service system is functioning; in evaluating both outcomes and system processes; and in assessing all levels of the system, including the system as a whole, the geographic service area, the agency, the State-operated facility, and the individual receiving mental health or developmental disabilities services.

 "Preliminary evaluation." The use of a system to evaluate the physical, social, developmental, behavioral and psychosocial aspects of an individual.

 "Redistribution." A change in the distribution of the agency's total award between two or more individual program awards, involving an intra-agency transfer of funds; therefore, the increases to individual programs are always balanced by the decreases to other programs, but not changing the agency total.

 "Reduction." A decrease in the level of funding to a program currently receiving grant funds as well as a decrease to the agency total.

 "Residential mode." An administrative designation quantifying service activities which are delivered in a specified living environment.

 "Secretary." The Secretary of the Department of Human Services or his or her designee.

 "Services" or "mental health or developmental disability services." Any treatment or habilitation events or products as contracted for through the grant agreement and as specified in the agency plan.

 "Supplemental." For a program currently receiving grant funds, a supplemental represents an increase to both the individual program award and the agency total. For a new program, a supplemental represents both the addition of a specific program award, and an increase to the agency total.

 "Umbrella agencies." Those organizations which have overall legal, administrative, planning, and funding responsibility for delivery of services in more than one geographic service area.

(Source: Amended at 21 Ill. Reg. 8282, effective June 25, 1997)