**Section 299.120 Definitions**

"Act" means the Sexually Violent Persons Commitment Act [725 ILCS 207].

"Administrative Officer on Call" or "AOC" means the designated management staff responsible for responding to after-hours and weekend emergency calls from an on-duty facility staff.

"Administrative Officer on Duty" or "AOD" means the designated management staff responsible for the daily operation of the Program and/or responding to emergency calls.

"Allowable Reserve" means an amount set by the Department that is exempt from services charges. This amount shall not be less than the exemptions from garnishment set forth in Part 7 of Article 12 of the Code of Civil Procedure [735 ILCS 5] or otherwise provided under Section 299.1030(e) or (f).

"Ancillary Services" means services not covered under the Sex Offender Evaluation and Treatment Provider Act [225 ILCS 109], such as general healthcare, education/vocational, recreation, rehabilitation, anger management, mental health treatment, substance use and abuse treatment, victim empathy, tactics, penile plethysmograph, etc.

"Annual Income" means adjusted gross income as defined by Section 2-203 of the Illinois Income Tax Act [35 ILCS 5].

"Assault" means conduct described in Sections 12-1 and 12-2 of the Criminal Code of 2012 [720 ILCS 5].

"Assets" means:

any property, tangible or intangible, real or personal:

belonging to or due to a service recipient from social security, worker's compensation, veteran's compensation, or pension benefits; or

from any other source whatsoever; and

any and all assets and property of whatever character held in the name of the service recipient, held for the benefit of the service recipient, or payable or otherwise deliverable to the service recipient.

Any trust, or portion of a trust, of which a recipient is a beneficiary shall be construed as an asset of the recipient if, under terms of the trust, benefits may be paid to the recipient.

"Attempt to Resolve" or "ATR" means the process a resident uses to try to resolve incidents, problems or general complaints. Complaints concerning behavior management proceedings are not handled through the ATR process.

"Average Per Capita Cost" means the amount calculated for the daily average per capita cost of operation, as applicable, of either:

the secure residential facility, for the fiscal year immediately preceding the period of State care for which the rate is being calculated; or

the average daily costs associated with the service recipient's conditional release.

"Battery" means the conduct described in Sections 12-3 and 12-3.05 of the Criminal Code of 2012 [720 ILCS 5].

"Behavior Committee" consists of a security representative and at least two members of the clinical staff.

"Behavioral Intervention" means a response to a violation of the facility rules.

"Chemical Agent" means a compound such as mace, pepper spray, etc., utilized to manage a resident who is violent, disruptive and/or out of control. "Clinical Director" means the staff member responsible for the oversight and provision of sex offender specific treatment and certain ancillary services at the facility, or that person's designee.

"Clinical File" consists of the records relating to sex offender treatment and certain ancillary services.

"Close Status" means a management status to which residents are assigned as a step-up from special management or reassignment after rule violations. Residents will remain on Close Status for a period of time determined by the Behavior Committee for observation of their ability to successfully reintegrate. Any rule violation at this level may result in either an extension of this status or a change of management status.

"Committed Person" means a person who has been committed to the custody of the Department under the Sexually Violent Persons Commitment Act.

"Conditional Release" means a committed person who has been placed into the community on court ordered supervision, treatment and related services as authorized by the Act.

"Contraband" means any item that is proscribed by criminal law, Department rules, facility rules or posted notices; an itemthat a resident has no authorization to possess; or property that is in excess of that authorized by the facility. This includes, but is not limited to, any:

altered property; property fashioned into a weapon; property not being used for its intended design or its initial purpose; or

object, item or food/beverage product that has been determined to pose a therapeutic, fire, health and/or safety risk.

"Deadly Force" means force that is likely to cause death or great bodily harm.

"Department" or "DHS" means the Illinois Department of Human Services.

"Detained Person" means a person who the court has sent to a detention facility approved by the Department, pursuant to a detention order or after a probable cause hearing under Section 30 of the Act.

"DHS Victim-Notification Coordinator" means the person who is responsible for securely and confidentially maintaining all victim requests for notification and for following the procedures for notifying victims (see Section 299.500).

"Discharge" means the court-ordered release of a committed person from the custody of DHS.

"Emergency Mental Health Care" refers to those interventions used to protect the life and health of residents who are at risk to harm themselves or others as the result of mental illness or mental disorder. Harm is defined as physical injury. Residents may be at risk of harming themselves or others when they are physically or verbally assaultive or aggressive; engage in or threaten to engage in self-injurious behavior; use, misuse or destroy property in a fashion that could be used to harm oneself or others (e.g., use glass shards to cut or stab); or refuse direction to the point that force is needed to secure the resident's compliance.

"Emergency Mental Health Status" is the emergency placement of a resident on either Mental Health Status 1 or Mental Health Status 2, as ordered by a mental health professional pursuant to Section 299.345.

"Employee" means any person providing services at the direction of the DHS Secretary or Program Director, on or off site. For the purposes of this Part only, this includes payroll personnel, contractors, subcontractors and volunteers. Under no circumstances does this definition intend to confer employment status upon contractors, subcontractors or volunteers.

"Estate of Recipient" means all income and assets of a service recipient, including, but not limited to, real property.

"Force" means physical contact used to coerce or prevent some action on the part of a resident, including the use of chemical agents.

"General Status" means a management status to which residents are assigned after they have completed admission/orientation evaluations or as a reassignment from Close or Intermediate Status. Residents remain on this status when they are without a major rule violation, or without more than two minor rule violations, for 180 consecutive days.

"Grievance Examiner" means the employee or employees designated by the Program Director to review and, as appropriate, resolve problems and grievances that residents have been unable to resolve through routine channels.

"Ill-1, Financial Questionnaire" means a designation assigned to a set of schedules developed for the purpose of collecting financial data on service recipients.

"Incident Report" means a report that must be completed by an employee when he/she observes any unusual occurrence or situation that may pose a threat to the safety or security of the facility, staff, residents, visitors or others.

"Individualized Treatment Plan" or "ITP" or "Treatment Plan" means the set of goals and levels of progress within the Program for each resident. The Treatment Plan is reviewed every six months and includes recommendations relative to the treatment phase, testing, diagnosis, resident cooperation and participation, as well as levels of programming.

"Informed Consent" means consent of the resident to treatment and ancillary services after being advised of the attendant risks and benefits.

"Intermediate Status" means a management status to which residents are assigned after they have completed general status. Residents remain on this status when they are without a major rule violation, and without more than two minor rule violations, for 180 consecutive days.

"Internal Security Investigator" means the person who investigates, as assigned by the Program Director, incidents within the secure residential facility or incidents that affect recipients on conditional release.

"Legal Dependents" means those persons:

dependent on the recipient for more than one-half of their support; and

shown as dependents on the recipient's U.S. Individual Income Tax Return.

"Management Status" means the provision of different levels of privileges, responsibilities and activities to provide a greater degree of individualization in the treatment of residents. These levels include Admission Status; General Status; Intermediate A, B, and C Status; Close Status; and Special Management Status.

"Medical Director" means the physician responsible for the oversight and provision of medical treatment in the Program, or that person's designee.

"Medical File" consists of the records relating to health care services. The provision of psychotropic medication is a health care service.

"Medical Professional" means a person who provides medical care under the overall supervision of the Medical Director. This could include a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60], a nurse licensed under the Nurse Practice Act [225 ILCS 65], or a physician assistant licensed under the Physician Assistant Practice Act of 1987 [225 ILCS 95].

"Mental Disorder" means a congenital or acquired condition affecting the emotional or volitional capacity that predisposes a person to engage in acts of sexual violence.

"Mental Health Professional" or "MHP" means a person who provides mental health services under the overall supervision of the Clinical Director. This could include a physician, a psychiatrist, a psychologist or other clinical staff.

"Mental Health Status 1" is a level of special observation in which one staff person will be assigned to continuously observe and monitor one, and only one, resident. The staff person shall remain no more than 12 feet away. In all instances, the staff person must maintain sight of the resident, including during bathing or using the toilet. No staff person shall be assigned to provide 1:1 observation for a continuous period exceeding two hours without at least a 15-minute period of alternative assignment. At each 15-minute interval, the staff member observing the resident shall enter a note in the resident's clinical file concerning the status and condition of the resident.

"Mental Health Status 2" is a level of special observation in which the resident is observed and monitored by staff every 15 minutes. At each 15-minute interval, the staff member observing the resident shall enter a note in the resident's clinical file concerning the status and condition of the resident.

"Notice of Determination" means notification sent to a service recipient when charges have been established for services (see Section 90 of the Act).

"Physician" means any person licensed by the State of Illinois to practice medicine in all its branches and includes any person holding a temporary license, as provided in the Medical Practice Act of 1987.

"Primary Therapist" means the clinical staff person responsible for implementing the resident's ITP.

"Program" means the Sexually Violent Persons Treatment and Detention Program. The term "Program" encompasses recipients in the secure facility and recipients living in the community on a court-ordered plan of conditional release.

"Program Administrator" means the person within DHS - Division of Mental Health appointed by the Secretary to oversee the Program, or his/her designee.

"Program Director" means the chief administrative officer of the Treatment and Detention Facility, or his/her designee. The designee may be the:

Medical Director;

Assistant Program Director;

Security Director; or

Administrative Officer on Call.

"Program Unit Hearing Officer" means the person designated by the Program Director to hear allegations of minor rule violations that do not result in reassignment of management status.

"Provider Act" means the Sex Offender Evaluation and Treatment Provider Act [225 ILCS 109].

"Psychiatrist" means a physician who has at least 3 years of formal training or primary experience in the diagnosis and treatment of mental illness.

"Psychologist" means a person who is licensed under the Clinical Psychologist Licensing Act [225 ILCS 15], or the Provider Act.

"Psychotropic Medication" means medication whose use for antipsychotic, antidepressant, antimanic, antianxiety, antiandrogenic, behavior modification or behavioral management purposes is listed in the most recent edition of the Physician's Desk Reference (2019 edition) available at www.PDR.net or that are administered for any of these purposes. It also includes those tests and related procedures that are essential for safe and effective administration.

"Recipient" or "Service Recipient" means a person receiving services at the secure residential facility or while on a court-ordered plan of conditional release.

"Resident" means either a detained person or a committed person placed in a facility.

"Residential Unit" means the area of a facility in which residents reside.

"Restriction" means constraining, reducing or eliminating activities of a resident (e.g., setting limits on or removal of certain privileges, behaviors or activities).

"Secretary" means the Secretary of the Department of Human Services, or his/her designee.

"Security Director" means the employee, and his/her designee, responsible for the safety and security of residents, staff, visitors and State property. The designee may be the AOD.

"Sex Offender Evaluation" or "Evaluation" means a sex-offender specific evaluation as that term is used in the Provider Act.

"Sex Offender Evaluator" or "Evaluator" means a person licensed under the Provider Act to conduct sex offender evaluations.

"Sex Offender Specific Treatment" or "Sex Offender Treatment" or "Treatment" means a comprehensive set of planned therapeutic interventions and experiences to reduce the risk of further sexual offending and abusive behaviors by the offender. The treatment must be provided by, or under the supervision of, a person licensed under the Provider Act. Treatment specifically excludes matters such as security, health care, housing, food service, religious accommodations, management status, behavioral intervention and ancillary services.

"Sexual Activity" means an activity involving two or more persons for the sexual gratification of any participant.

"Sexually Violent Person" or "SVP" means a person who has been convicted of a sexually violent offense, has been adjudicated delinquent for a sexually violent offense, or had been found not guilty of a sexually violent offense by reason of insanity and who is dangerous because he/she suffers from a mental disorder that makes it substantially probable that the person will engage in acts of sexual violence. "Sexually violent offense" has the same meaning as set forth in the Act.

"Shift Supervisor" has the same meaning as "Administrative Officer on Duty".

"Special Management Status" means an assigned management status utilized for the safe containment and effective management of a resident who is presenting a risk of harm to self or others. Residents may remain on Special Management Status until the Behavior Committee determines that the resident is no longer a risk to self or others or while criminal charges are being investigated or pending.

"Transferring Authority" means the agency with jurisdiction, as defined in Section 10 of the Act, that had custody and control of the person prior to an order of detention issued under Section 30 of the Act.

"Treatment and Detention Facility" or "TDF" or "Secure Residential Facility" or "Facility" means the secure facility provided by the Department of Corrections and operated by DHS pursuant to Section 50 of the Act for the detention and treatment of persons alleged or determined to be sexually violent and at risk of re-offending.

"Treatment Review Committee" means the committee appointed by the Program Director for the review of orders for the administration of psychotropic medications.

"Treatment Team" means a cross-functional, multi-disciplinary group composed of the resident's team leader and primary therapist, a medical representative, a security representative, and other clinical staff involved in the resident's treatment.

"Victim" means a person against whom an act of sexual violence has been committed and includes a person who has requested notification under the Act or under the Rights of Crime Victims and Witnesses Act [725 ILCS 120].

"Working Day" means Monday through Friday and excludes State holidays and days when the facility may not be fully open due to order of the Governor.

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