**Section 340.1491 Social Isolation**

a) For the purposes of this Section:

1) *"Assistive and supportive technology and devices" means computers, video conferencing equipment, distance-based communication technology, or other technological equipment, accessories, or electronic licenses as may be necessary to ensure that residents are able to engage in face-to-face, verbal-based, or auditory-based contact, communication, religious activity, or recreational activity with other facility residents and with family members, friends, loved ones, caregivers, and other external support systems, through electronic means, in accordance with the provisions of* the Act and subsections (d)(2) and (3).

2) *"Religious and recreational activities" includes any religious, social, or recreational activity that is consistent with a resident's preferences and choosing, regardless of whether the activity is coordinated, offered, provided, or sponsored by facility staff or by an outside activities provider*.

3) *"Resident's representative" has the same meaning as provided in Section 1-123* of the Act and Section 340.1000.

4) *"Social isolation" means a state of isolation wherein a resident of a long-term care facility is unable to engage in social interactions and religious and recreational activities with other facility residents or with family members, friends, loved ones, caregivers and external support systems*.

5) *"Virtual visitation" means the use of face-to-face, verbal-based, or auditory-based contact through electronic means*. (Section 3-102.3(a) of the Act)

b) *Each facility* shall *adopt and implement written policies* that *provide for the availability of assistive and supportive technology and devices to facility residents*. Facilities shall *ensure that appropriate staff are in place to help prevent the social isolation of facility residents*. (Section 3-102.3(b)(1) of the Act)

c) *The virtual visitation policies shall not be interpreted as a substitute for in-person visitation, but shall be wholly in addition to existing in-person visitation policies*. (Section 3-102.3(b)(2) of the Act)

d) *The social isolation prevention policies adopted by each long-term care facility pursuant to* this Section *shall be consistent with rights and privileges guaranteed to residents and constraints provided under Sections 2-108, 2-109, and 2-110* of the Act and this Subpart C, *and shall include the following*:

1) *Authorization and inclusion of specific protocols and procedures to encourage and enable residents of the facility to engage in in-person contact, communication, religious activity, and recreational activity with other facility residents and with family members, friends, loved ones, caregivers, and other external support systems, except when prohibited, restricted, or limited by federal or State statute, rule, regulation, executive order, or guidance*;

2) *Authorization and inclusion of specific protocols and procedures to encourage and enable residents to engage in face-to-face, verbal-based, or auditory-based contact, communication, religious activity, and recreational activity with other facility residents and with family members, friends, loved ones, caregivers, and other external support systems through the use of electronic or virtual means and methods, including, but not limited to, computer technology, the Internet, social media, videoconferencing, videophone, and other innovative technological means or methods, whenever the resident is subject to restrictions that limit his or her ability to engage in in-person contact, communication, religious activity, or recreational activity as authorized by* subsection (d)(1) *and when the technology requested is not being used by other residents in the event of a limited number of items of technology in a facility*;

3) *A mechanism for residents of the facility or the residents' representatives to request access to assistive and supportive technology and devices as may be necessary to facilitate the residents' engagement in face-to-face, verbal-based, or auditory-based contact, communication, religious activity, and recreational activity with other residents, family members, friends, and other external support systems, through electronic means, as provided by* subsection (d)(2);

4) *Specific administrative policies, procedures, and protocols governing*:

A) *The acquisition, maintenance, and replacement of assistive and supportive technology and devices*;

B) *The use of environmental barriers and other controls when the assistive and supportive technology and devices acquired pursuant to* subsection (4)(A) *are in use, especially in cases where the assistive and supportive technology and devices are likely to become contaminated with bodily substances, are touched frequently, or are difficult to clean; and*

C) *The regular cleaning of the assistive and supportive technology and devices acquired pursuant to* subsection (4)(A) *and any environmental barriers or other physical controls used in association therewith*;

5) *A requirement that* *upon admission and at the request of a resident or the resident's representative, appropriate staff shall develop and update an individualized virtual visitation schedule while taking into account the individual's requests and preferences with respect to the residents' participation in social interactions and religious and recreational activities*;

6) *A requirement that appropriate staff, upon the request of a resident or the resident's family members, guardian, or representative, shall develop an individualized virtual visitation schedule for the resident, which shall*:

A) *Address the need for a virtual visitation schedule and establish a virtual visitation schedule if deemed to be appropriate*;

B) *Identify the assessed needs and preferences of the resident and any preferences specified by the resident's representative, unless a preference specified by the resident conflicts with a preference specified by the resident's representative, in which case the resident's preference shall take priority*;

C) *Document the facility's defined virtual hours of visitation and inform the resident and the resident's representative that virtual visitation pursuant to* subsection (d)(2) *will adhere to the defined visitation hours*;

D) *Describe the location within the facility and assistive and supportive technology and devices to be used in virtual visitation; and*

E) *Describe the respective responsibilities of staff, visitors, and the resident when engaging in virtual visitation pursuant to the individualized visitation plan*;

7) *A requirement* that, *upon admission and at the request of the resident or the resident's representative,* the facility *provides notification to the resident and the resident's representative that they have the right to request of facility staff the creation and review of a resident's individualized virtual visitation schedule*;

8) *A requirement* that, *upon admission and at the request of the resident or resident's representative*, the facility *provide, in writing to the resident or resident's representative, virtual visitation hours, how to schedule a virtual visitation, and how to request assistive and supportive technology and devices*;

9) *Specific policies, protocols, and procedures governing a resident's requisition, use, and return of assistive and supportive technology and devices maintained pursuant to* subsection (4)(A) *and require appropriate staff to communicate those policies, protocols, and procedures to residents; and*

10) *The designation of at least one member of the therapeutic recreation or activities department, or, if the facility does not have this department, the designation of at least one senior staff member, as determined by facility management, to train other appropriate facility employees, including, but not limited to, activities professionals and volunteers, social workers, occupational therapists, and therapy assistants, to provide direct assistance to residents upon request and on an as-needed basis, as necessary to ensure that each resident is able to successfully access and use, for the purposes specified in* subsections (d)(2) and (3), *the assistive and supportive technology and devices acquired pursuant to* subsection (4)(A). (Section 3-102.3(c) of the Act)

e) *A facility may apply to the Department for* competitive *civil monetary penalty fund grants for assistive and supportive technology and devices and may request other available federal and State funds.* (Section 3-102.3(d) of the Act)

f) *In addition to any other applicable penalties provided by law, a facility that fails to comply with the provisions of this* Section *or properly implement the written policies, protocols, and procedures adopted pursuant to* subsection (b) *shall be liable to pay an administrative penalty as a Type "C" violation, the amount of which shall be determined in accordance with* subsections (f) and (g) of Section 340.1245. (Section 3-102.3(e) of the Act)

g) *Implementation of an administrative penalty as a Type "C" violation under this subsection* will *not be imposed prior to January 1, 2023*. (Section 3-102.3(e) of the Act)

h) *This* Section *does not impact, limit, or constrict a resident's right to or usage of his or her personal property or electronic monitoring under Section 2-115* of the Act. (Section 3-102.3(g) of the Act)

i) *Specific protocols and procedures shall be developed to ensure that the quantity of assistive and supportive technology and devices maintained on-site at the facility* *remains sufficient, at all times, to meet the assessed social and activity needs and preferences of each facility resident. Residents' family members or caregivers* shall *be considered, as appropriate, in the assessment and reassessment*. (Section 3-102.3(h) of the Act)

j) No administrative penalty shall be imposed against a facility for internet bandwidth limitations or internet access barriers beyond the control of the facility, such as a natural disaster.

k) *Nothing in this* Section *shall be interpreted to mean that addressing the issues of social isolation shall take precedence over providing for the health and safety of the residents*. (Section 3-102.3(k) of the Act)

(Source: Added at 46 Ill. Reg. 14285, effective July 27, 2022)