DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULE

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

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SUBPART A: GENERAL PROVISIONS

Section 300.340 Incorporated and Referenced Materials

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a) The following regulations and standards are incorporated in this Part:

1) Private and professional association standards:

A) ANSI/ASME Standard No. A17.1-2000, 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, New Jersey 07007-2900.

B) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2001), and Handbook of Applications (1999), which may be obtained from the
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American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.


E) For existing facilities (see Subpart O), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:

i) No. 10 (1978): Standards for Portable Extinguishers


iv) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems


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ix) No. 253 (1978): Flooring Radiant Heat Energy Test
x) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials

F) For new facilities (see Subpart N), the following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:

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xiii) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition


H) The following standards, which may be obtained from Underwriters Laboratories (UL), Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:


J) American College of Obstetricians and Gynecologists, Guidelines for Women's Health Care, Third Edition (2007), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264). (See Section 300.3220.)

2) Federal guidelines:
The following guidelines of the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services, which may be obtained from
the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

A) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (October 1981) which can be found at https://www.cdc.gov/infectioncontrol/guidelines/cauti/index.html

B) Guideline for Hand Hygiene in Health-Care Settings (October 2002) which can be found at https://www.cdc.gov/mmwr/pdf/rr/rr5116.pdf


D) Guideline for Prevention of Surgical Site Infection (1999) which can be found at https://jamanetwork.com/journals/jamasurgery/fullarticle/2623725

E) Guidelines for Preventing Healthcare-Associated Pneumonia (2003) Guideline for Prevention of Nosocomial Pneumonia (February 1994) which can be found at https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5303a1.htm


H) Testing Guidelines for Nursing Homes (July 1, 2020) available at:
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I) Interim Guidance on Testing Healthcare Personnel for SARS-CoV-2 (July 2, 2020) available at:

J) Performing Facility-wide SARS-CoV-2 Testing in Nursing Homes (May 19, 2020) available at:

K) Preparing for COVID-19 in Nursing Homes (June 25, 2020) available at:

L) Responding to Coronavirus (COVID-19) in Nursing Homes (April 30, 2020) available at:

M) Nursing Home Reopening Recommendations for State and Local Officials (QSO-20-30-NH; May 18, 2020); available online at:

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:

1) Federal statutes:

A) Civil Rights Act of 1964 (42 USC 2000e et seq.)

B) Social Security Act (42 USC 301 et seq., 1395 et seq. and 1396 et seq.)
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C) Controlled Substances Act (21 USC 802)

2) State of Illinois statutes:

A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]

B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]

C) Child Care Act of 1969 [225 ILCS 10]

D) Court of Claims Act [705 ILCS 505]

E) Illinois Dental Practice Act [225 ILCS 25]

F) Election Code [10 ILCS 5]

G) Freedom of Information Act [5 ILCS 140]

H) General Not For Profit Corporation Act of 1986 [805 ILCS 105]

I) Hospital Licensing Act [210 ILCS 85]

J) Illinois Controlled Substances Act [720 ILCS 570]

K) Illinois Health Facilities Planning Act [20 ILCS 3960]


M) Nurse Practice Act [225 ILCS 65]

N) Illinois Occupational Therapy Practice Act [225 ILCS 75]

O) Illinois Physical Therapy Act [225 ILCS 90]

P) Life Care Facilities Act [210 ILCS 40]

Q) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
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R) Medical Practice Act of 1987 [225 ILCS 60]

S) Mental Health and Developmental Disabilities Code [405 ILCS 5]

T) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]

U) Nursing Home Care Act [210 ILCS 45]

V) Pharmacy Practice Act [225 ILCS 85]

W) Private Sewage Disposal Licensing Act [225 ILCS 225]

X) Probate Act of 1975 [775 ILCS 5]

Y) Illinois Public Aid Code [305 ILCS 5]

Z) Safety Glazing Materials Act [430 ILCS 60]

AA) Illinois Administrative Procedure Act [5 ILCS 100]

BB) Clinical Psychologist Licensing Act [225 ILCS 15]

CC) Dietetic and Nutrition Services Practice Act [225 ILCS 30]

DD) Health Care Worker Background Check Act [225 ILCS 46]


FF) Living Will Act [755 ILCS 35]

GG) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]

HH) Health Care Surrogate Act [755 ILCS 45]

II) Right of Conscience Act [745 ILCS 70]

JJ) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
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KK) Supportive Residences Licensing Act [210 ILCS 65]

LL) Community Residential Alternatives Licensing Act [210 ILCS 40]

MM) Community Living Facilities Licensing Act [210 ILCS 35]

NN) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]

OO) Counties Code [55 ILCS 5]

PP) Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]

QQ) Podiatric Medical Practice Act of 1987 [225 ILCS 100]

RR) Illinois Optometric Practice Act of 1987 [225 ILCS 80]

SS) Physician Assistant Practice Act of 1987 [225 ILCS 95]

TT) Alzheimer's Special Care Disclosure Act [210 ILCS 4]

UU) Illinois Act on the Aging [20 ILCS 105]

VV) Alternative Health Care Delivery Act [210 ILCS 3]

WW) Assisted Living and Shared Housing Act [210 ILCS 9]

XX) Language Assistance Services Act [210 ILCS 87]

3) State of Illinois rules:

A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)


C) Department of Public Health:
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i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)

iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)


v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)


x) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

xi) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)

xii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)

xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)

xv) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

xvi) Health Care Worker Background Check Code (77 Ill. Adm.
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Code 955)

xvii) Language Assistance Services Code (77 Ill. Adm. Code 940)

D) Department of Financial and Professional Regulation:

i) Controlled Substances Act (68 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 2706)

G) Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)

(Source: Amended by emergency amendment to emergency rule at 44 Ill. Reg. ______; effective _____________ for a maximum of 150 days)

SUBPART C: POLICIES

Section 300.696 Infection Control

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a) Policies and procedures for investigating, controlling, and preventing and testing for infections in the facility shall be established and followed. The policies and procedures shall be consistent with and include the requirements of the Control of Communicable Diseases Code (77 Ill. Adm. Code 690) and Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693). Activities shall be monitored to ensure that these policies and procedures are followed. A copy of the facility’s infection control policies and procedures shall be provided to the resident and the resident’s family or representative. Infection control policies and procedures shall be maintained in the facility and made available upon request to the resident and the resident’s family or representative, the Department, the Department’s agent or the local health authority.
b) A group, i.e., an infection control committee, quality assurance committee, or other facility entity, shall periodically, but no less than annually, review the results of investigations and activities to control infections. Upon request, the facility shall provide the Department with the group’s recommendations to control infections within the facility.

c) Each facility shall adhere to the following guidelines of the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services (see Section 300.340):

1) Guideline for Prevention of Catheter-Associated Urinary Tract Infections

2) Guideline for Hand Hygiene in Health-Care Settings

3) Guidelines for Prevention of Intravascular Catheter-Related Infections

4) Guideline for Prevention of Surgical Site Infection

5) Guidelines for Preventing Healthcare-Associated Pneumonia Guideline for Prevention of Nosocomial Pneumonia

6) 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings in Hospitals


10) Performing Facility-wide SARS-CoV-2 Testing in Nursing Homes (May 19, 2020) available at:
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13) Nursing Home Reopening Recommendations for State and Local Officials (QSO-20-30-NH; May 18, 2020); available online at: https://www.cms.gov/files/document/qso-20-30-nh.pdf-0

d) Each facility shall comply with infection control recommendations provided by the Department or certified local health department, including, but not limited to, testing plans, infection control assessments, training or other measures designed to reduce infection rates and disease outbreaks.

d) Each facility shall conduct testing of residents and staff for the control or detection of communicable diseases when:

1) the facility is experiencing an outbreak; or

2) directed by the Department or the certified local health department where the chance of transmission is high, including, but not limited to, regional outbreaks, pandemics or epidemics.

e) Each facility shall make arrangements with a testing laboratory to process any specimens collected under subsection (d) and ensure that complete information is submitted with each specimen, including name, address, date of birth, sex, race and ethnicity.

f) For testing done under subsection (d), each facility shall report to the Department or the certified local health department the number of residents and staff tested, and the number of positive, negative and indeterminate cases as directed by the Department or certified local health department.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 10217, effective May 28, 2020)
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for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. ________, effective ____________, for the remainder of the 150 days)