Section 300.315 Supported Congregate Living Arrangement Demonstration

a) A facility or location approved to participate in the Supported Congregate Living Arrangement Demonstration authorized by Section 4.02b of the Illinois Act on the Aging [20 ILCS 105/4.02b] and requesting a waiver of the Act and this Part shall submit to the Department a joint waiver request with the Department on Aging or documentation that the Department on Aging failed to act upon a waiver application within 60 days after the applicant submitted a request to the Department on Aging. (Section 4.02b of the Illinois Act on the Aging)

b) The waiver application shall include the following:

1) a specific listing of those portions of the Act and this Part for which a waiver is being requested; and

2) the applicant's proposed Program Plan.

c) The proposed Program Plan shall describe the types of residents to be served and the services that will be provided in the Supported Congregate Living Arrangement Demonstration. (Section 3-102.2 of the Act)

d) The Department will evaluate the waiver application based on the criteria in Section 300.320 of this Part. The applicant shall be notified within 10 days after the Department’s waiver determination.

e) The Department may revoke the waiver if the Department determines that the Supported Congregate Living Arrangement Demonstration:

1) is not in compliance with the Program Plan submitted in accordance with subsection (b) of this Section (Section 3-102.2 of the Act);

2) is not in compliance with the Department’s waiver approval conditions; or

3) has been terminated from the demonstration by the Department on Aging.

Section 300.320 Waivers

a) Upon application by a facility, the Director may grant or renew the waiver of the facility’s compliance with a rule or standard for a period not to exceed the duration of the current license or, in the case of an application for license renewal, the duration of the renewal period. (Section 3-303.1 of the Act)
b) The waiver may be conditioned upon the facility taking action prescribed by the Director as a measure equivalent to compliance. (Section 3-303.1 of the Act)

c) In determining whether to grant or renew a waiver, the Director shall consider:

1) the duration and basis for any current waiver with respect to the same rule or standard;
2) the continued validity of extending the waiver on the same basis;
3) the effect upon the health and safety of residents;
4) the quality of resident care (whether the waiver would reduce the overall quality of the resident care below that required by the Act or this Part);
5) the facility’s history of compliance with the Act and this Part (the existence of a consistent pattern of violation of the Act or this Part); and
6) the facility’s attempts to comply with the particular rule or standard in question. (Section 3-303.1 of the Act)

d) The Department shall renew waivers relating to physical plant standards issued pursuant to this Section at the time of the indicated reviews, unless it can show why such waivers should not be extended for the following reasons:

1) the condition of the physical plant has deteriorated or its use substantially changed so that the basis upon which the waiver was issued is materially different; or
2) the facility is renovated or substantially remodeled in such a way as to permit compliance with the applicable rules and standards without substantial increase in cost. (Section 3-303.1 of the Act)

Section 300.615 Determination of Need Screening and Request for Resident Criminal History Record Information

g) If the results of the background check are inconclusive, the facility shall initiate a fingerprint-based check, unless the fingerprint check is waived by the Director of Public Health based on verification by the facility that the resident is completely immobile or that the resident meets other criteria related to the resident’s health or lack of potential risk, such as the existence of a severe, debilitating physical, medical, or mental condition that nullifies any potential risk presented by the resident. (Section 2-201.5(b) of the Act) The facility shall arrange for a fingerprint-based background check or request a waiver from the Department within 5 days after receiving inconclusive results of a name-based background check. The fingerprint-based background check shall be conducted within 25 days after receiving the inconclusive results of the name-based check.

h) A waiver issued pursuant to Section 2-201.5 of the Act shall be valid only while the resident is immobile or while the criteria supporting the waiver exist. (Section 2-201.5(b) of the Act)
i) The facility shall provide for or arrange for any required fingerprint based checks to be taken on the premises of the facility. If a fingerprint based check is required, the facility shall arrange for it to be conducted in a manner that is respectful of the resident’s dignity and that minimizes any emotional or physical hardship to the resident. (Section 2-201.5(b) of the Act) If a facility is unable to conduct a fingerprint-based background check in compliance with this Section, then it shall provide conclusive evidence of the resident’s immobility or risk nullification of the waiver issued pursuant to Section 2-201.5 of the Act.

k) The facility shall be responsible for taking all steps necessary to ensure the safety of residents while the results of a name-based background check or a fingerprint-based background check are pending; while the results of a request for waiver of a fingerprint-based check are pending; and/or while the Criminal History Analysis Report is pending.

Section 300.625 Identified Offenders

a) The facility shall review the results of the criminal history background checks immediately upon receipt of those checks. If the results of the background check are inconclusive, the facility shall initiate a fingerprint based check unless the fingerprint-based check is waived by the Director of Public Health based on verification by the facility that the resident is completely immobile or that the resident meets other criteria related to the resident’s health or lack of potential risk, such as the existence of a severe, debilitating physical, medical, or mental condition that nullifies any potential risk presented by the resident. (Section 2-201.5(b) of the Act) The facility shall arrange for a fingerprint-based background check or request a waiver from the Department within 5 days after receiving inconclusive results of a name-based background check. The fingerprint based background check shall be conducted within 25 days after receiving the inconclusive results of the name-based check.

b) A waiver issued pursuant to Section 2-201.5 of the Act shall be valid only while the resident is immobile or while the criteria supporting the waiver exist.

d) If a fingerprint-based check is required, the facility shall arrange for it to be conducted in a manner that is respectful of the resident’s dignity and that minimizes any emotional or physical hardship to the resident. (Section 2-201.5(b) of the Act) If a facility is unable to conduct a fingerprint-based background check in compliance with this Section, then it shall provide conclusive evidence of the resident’s immobility or risk nullification of the waiver issued pursuant to Section 2-201.5(b) of the Act.

e) The facility shall be responsible for taking all steps necessary to ensure the safety of residents while the results of a name-based background check or a fingerprint-based check are pending; while the results of a request for a waiver of a fingerprint-based check are pending; and/or while the Criminal History Analysis Report is pending.

Section 300.660 Nursing Assistants
b) The facility shall ensure that each nursing assistant complies with one of the following conditions:

1) Is approved on the Department’s Nurse Aide Registry. "Approved" means that the nurse aide has met the training or equivalency requirements of Section 300.663 of this Part and does not have a disqualifying criminal background check without a waiver.

**Section 300.3060 Nursing Unit**

b) Resident Bedroom.

1) Single resident bedrooms shall contain at least 100 square feet of usable floor area. Multiple resident bedrooms shall contain at least 80 square feet per bed of usable floor area. Minimum usable floor area shall be exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, vestibules, or clearly definable entryways. Those bedrooms for which facilities had waivers to this subsection (b)(1) on (and continuously since) December 24, 1987, and which have at least 90 square feet for single bedrooms and 70 square feet per bed for multi-bedrooms are exempt from this subsection (b)(1). Those bedrooms for which facilities had waivers to this subsection (b)(1) on (and continuously since) December 24, 1987, but which have less than 90 square feet for single bedrooms and 70 square feet per bed multi-bedrooms, continue to be subject to waiver procedures on an annual basis (See Section 300.320).

B) Based upon approval of the program narrative, the Department will consider a waiver of this subsection for Intermediate Care Facilities.