**Section 300.4000 Applicability of Subpart S**

a) Beginning July 1, 2002, a licensed SNF or ICF providing services to persons with serious mental illness shall meet the requirements of this Subpart S. Applicability of this Subpart S shall not affect a facility's compliance with the remainder of this Part.

b) For the purposes of this Subpart, "serious mental illness" is defined as the presence of a major disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1400 K Street NW, Washington, DC 20005), excluding alcohol and substance abuse, Alzheimer's disease, and other forms of dementia based upon organic or physical disorders. A serious mental illness is determined by all of the following three areas:

1) Diagnoses that constitute a serious mental illness are:

A) Schizophrenia;

B) Delusional disorder;

C) Schizo-affective disorder;

D) Psychotic disorder not otherwise specified;

E) Bipolar disorder I - mixed, manic, and depressed;

F) Bipolar disorder II;

G) Cyclothymic disorder;

H) Bipolar disorder not otherwise specified I;

I) Major depression, recurrent;

2) In addition, the individual must be 18 years of age or older and be substantially functionally limited due to mental illness in at least two of the following areas:

A) Self-maintenance;

B) Social functioning;

C) Community living activities;

D) Work-related skills;

3) Finally, the disability must be of an extended duration expected to be present for at least a year, which results in a substantial limitation in major life activities. These individuals will typically also have one of the following characteristics:

A) Have experienced two or more psychiatric hospitalizations;

B) Receive Social Security Income (SSI) or Social Security Disability Income (SSDI) because of mental illness, or have been deemed eligible for SSI or SSDI.

c) This Subpart applies to persons who are transferred to a facility for 120 or fewer days for a medical reason directly related to the person's diagnosis of serious mental illness, such as medication management.

d) This Subpart does not apply to the provision of services for residents having a diagnosis in the following mental disorder categories: senile and presenile organic psychotic conditions, alcoholic psychoses, drug psychoses, transient organic psychotic conditions, other organic psychotic conditions (chronic), non-psychotic disorders due to organic brain damage, and mental retardation.

e) This Subpart does not apply to individuals who are transferred to a facility for 120 or fewer days for a medical reason, such as from fractures or cardiac or respiratory traumas. However, during this individual's stay, the individual's mental illness needs shall be met as much as possible, taking into account the individual's medical condition.

f) Facilities shall consider the location of a resident's room based on the resident's needs and the needs of other residents in the facility. Factors to be considered include aggressive behavior, supervision needs, noise levels, friendship patterns, common rehabilitative goals or services, sleep patterns, interests, recreational pursuits, and vulnerability.

g) Facilities providing services to persons with serious mental illness in accordance with Subpart S shall also comply with Subparts A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, and R of this Part. In case of a conflict between those Subparts and Subpart S, the more stringent requirement applies.

h) Facilities with 20 or fewer residents with serious mental illness may request exemption from Section 300.4090(a)(1), (2) and (3); (b)(3); (c)(3) and (5); (d); and (f)(1) by submitting a declaration to the Department that meets the following requirements:

1) States that no resident under age 65 with serious mental illness will be admitted to the facility;

2) Is received by the Department by July 1, 2005; or within 5 days after the facility has 20 or fewer residents with serious mental illness and the facility discontinues admission of such residents; and

3) Lists the names and Social Security numbers of the current residents with a diagnosis of serious mental illness.

i) If a facility, having declared that it will not admit residents with serious mental illness under age 65, substantially fails to meet the needs of the residents with serious mental illness, as identified by the resident assessment, or fails to conduct assessments in accordance with Section 300.4010 and 300.4020, the facility is not exempt from Section 300.4090(a)(1), (2) and (3); (b)(3); (c)(3) and (5); (d); and (f)(1).

j) A facility that has submitted a declaration to the Department in accordance with subsection (h) of this Section may resume admitting residents under age 65 with serious mental illness with the Department’s written approval. Approval will be granted when the facility submits proof of compliance with Section 300.4090(a)(1), (2) and (3); (b)(3); (c)(3) and (5); (d); and (f)(1).

k) A facility that has declared to the Department that individuals under age 65 with serious mental illness will not be admitted may request approval from the Department to admit an individual under age 65 with serious mental illness. The Department’s approval will be individual specific and will be based on the individual’s complex medical needs that can only be met in a skilled nursing facility. The facility must have demonstrated the ability to meet the individual’s medical, nursing, social, psychological, emotional, and personal care needs. The facility cannot admit this individual until approval is provided by the Department.

(Source: Amended at 29 Ill. Reg. 876, effective December 22, 2004)