**Section 380.100 Definitions**

Act – the Specialized Mental Health Rehabilitation Act of 2013.

Activities of daily living or ADL – a consumer's abilities to bathe, dress and groom; transfer and ambulate; use the toilet; eat; and use speech, language or other functional communication systems.

*Abuse – any physical or mental injury or sexual assault inflicted on a consumer other than by accidental means in a facility.* (Section 1-102 of the Act)

Physical abuse means the infliction of injury or threat of injury by a consumer upon himself or herself, or by another consumer, a staff or a visitor on a consumer, that occurs other than by accidental means.

Verbal abuse means the use of demeaning, intimidating or threatening words, written or oral, or gestures, by another consumer, a staff or a visitor about, or toward, a consumer and in the presence of another person.

*Accreditation* – recognition by *any of the following* that a program meets their nationally-recognized standards of behavioral health care:

*the Joint Commission*;

*the Commission on Accreditation of Rehabilitation Facilities*;

*the Healthcare Facilities Accreditation Program*; *or*

*any other national standards of care as approved by the Department*. (Section 1-102 of the Act)

Active treatment – treatment that addresses an acute crisis in a consumer and that facilitates a return to a community setting. Active treatment includes, but is not limited to, therapy, family meetings, group sessions and assessment.

Agent – a representative of a facility who is an owner, licensee, executive director or employee.

Ambulatory – the ability to move from place to place independent of staff assistance. A consumer may use assistive devices, such as a cane, walker or wheelchair, and still be considered ambulatory, provided that the consumer is able to move and transfer independently on a regular basis. A consumer who needs temporary time-limited assistance, such as after surgery or a medical illness, is also still considered ambulatory.

*Applicant – any person making application for a license or a provisional license under* the *Act* and this Part*.* (Section 1-102 of the Act)

Assessment – a comprehensive clinical evaluation to determine the strengths, preferences, clinical status, including the level of functioning, and the clinical needs of a consumer. The assessment may also fulfill the requirements of federal law or State consent decrees for assessment or mental health preadmission screening and resident review prior to admission, or resident reviews during treatment. The assessment shall be conducted by a Licensed Practitioner of the Healing Arts and shall:

Determine the individualized intervention strategies that will assist the consumer in advancing in his or her recovery;

Determine what supports are needed for the individual to live in community-based settings; and

Determine the appropriate level of care for service delivery.

Authorization – a determination of the level of treatment services that best suits the clinical needs of the consumer.

Authorized representative – a person other than an owner, agent or employee of a facility designated in writing by a consumer to be his or her representative. A consumer may designate his or her guardian as an authorized representative.

Biopsychosocial approach – a model for the treatment of persons with mental illness that acknowledges the biological, psychological and social influences on a person's psyche, relying on multiple disciplines for the treatment and rehabilitation of persons with mental illness.

Certified Recovery Support Specialist or CRSS – an individual who is certified and in good standing as a Recovery Support Specialist by the Illinois Alcohol and Other Drug Abuse Professional Certification Association. A CRSS, at a minimum, shall function as a mental health professional.

Community-based behavioral health services – services provided to a consumer, e.g., by a community-based behavioral health provider, while living in his or her own home or in a group living situation of 16 or fewer beds. The services are designed to assist consumers in achieving rehabilitative, resiliency and recovery goals in the least restrictive natural settings possible. The services consist of interventions that facilitate illness self-management, identification and use of adaptive and compensatory strategies, skills-building, and the identification and use of natural supports and community resources.

*Consumer – a person, 18 years of age or older, admitted to a* specialized *mental health rehabilitation facility for evaluation, observation, diagnosis, treatment, stabilization, recovery, and rehabilitation. "Consumer" does not mean any of the following*:

*an individual requiring a locked setting;*

*an individual requiring psychiatric hospitalization because of an acute psychiatric crisis;*

*an individual under 18 years of age;*

*an individual who is actively suicidal or violent toward others;*

*an individual who has been found unfit to stand trial;*

*an individual who has been found not guilty by reason of insanity based on committing a violent act, such as sexual assault, assault with a deadly weapon, arson, or murder;*

*an individual subject to temporary detention and examination under Section 3-607 of the Mental Health and Developmental Disabilities Code;*

*an individual deemed clinically appropriate for inpatient admission in a* State *psychiatric hospital; and*

*an individual transferred by the Department of Corrections pursuant to Section 3-8-5 of the Unified Code of Corrections*. (Section 1-102 of the Act)

*Consumer record – a record that organizes all information on the care, treatment, and rehabilitation services rendered to a consumer in a specialized mental health rehabilitation facility*. (Section 1-102 of the Act)

*Controlled drugs – those drugs covered under the federal Comprehensive Drug Abuse Prevention Control Act of 1970, as amended, or the Illinois Controlled Substances Act.* (Section 1-102 of the Act)

*Crisis stabilization – a secure and separate unit that provides short-term behavioral, emotional, or psychiatric crisis stabilization as an alternative to hospitalization or re-hospitalization for consumers from residential or community placement.* (Section 1-102 of the Act)

Debrief – a meeting with a consumer and facility staff following a period of restraint, holding or therapeutic separation in which the impact of the intervention is assessed from a perspective of emotional impact, outcome and possible alternatives to the use of restraint.

*Department – the Department of Public Health.* (Section 1-102 of the Act)

DHS − the Illinois Department of Human Services

DHS-DMH − the Illinois Department of Human Services-Division of Mental Health

Dietetic Service Supervisor − a person who:

is a dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution that included consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary manager course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the programs in the second, third or fourth paragraph of this definition.

Dietitian – a person licensed as a dietitian under the Dietitian Nutritionist Practice Act.

Director – the Director of the Department of Public Health or his or her designee.

*Discharge – the full release of any consumer from a facility.* (Section 1-102 of the Act)

*Drug administration – the act in which a single dose of a prescribed drug or biological is given to a consumer. The complete act of administration entails removing an individual dose from a container, verifying the dose with the prescriber's orders, giving the individual dose to the consumer, and promptly recording the time and dose given.* (Section 1-102 of the Act)

*Drug dispensing – the act entailing the following of a prescription order for a drug or biological and proper selection, measuring, packaging, labeling, and issuance of the drug or biological to a consumer.* (Section 1-102 of the Act)

DSP – the Department of State Police.

Dual diagnosis – the condition of experiencing a mental illness and a comorbid substance abuse problem.

*Emergency – a situation, physical condition, or one or more practices, methods, or operations* that *present imminent danger of death or serious physical or mental harm to consumers of a facility.* (Section 1-102 of the Act)

Evidence-based practice – the conscientious use of current evidence in making decisions about the care of the individual consumer, integrating individual clinical expertise with available external clinical evidence from systematic research.

*Executive director – a person who is charged with the general administration and supervision of a facility licensed under* the *Act* and this Part. (Section 1-102 of the Act)

Face check – visual confirmation by a staff person to ensure the consumer's safety and well-being, to be performed at intervals as determined by the individualized treatment plan of the consumer.

*Facility* *– a specialized mental health rehabilitation facility* (SMHRF) *that provides at least one of the following services: triage center; crisis stabilization; recovery and rehabilitation supports; or transitional living units for 3 or more persons. The facility shall provide a 24-hour program that provides intensive support and recovery services designed to assist persons, 18 years or older, with mental disorders to develop the skills to become self-sufficient and capable of increasing levels of independent functioning. It includes facilities that meet the following criteria*:

*100% of the consumer population of the facility has a* *diagnosis of serious mental illness*;

*no more than 15% of the consumer population of the facility is 65 years of age or older*;

*none of the consumers are non-ambulatory*;

*none of the consumers have a primary diagnosis of moderate, severe, or profound intellectual disability*; *and*

*the facility must have been licensed under the Specialized Mental Health Rehabilitation Act or the Nursing Home Care Act immediately preceding the effective date of* the *Act and qualifies as an institute for mental disease under the federal definition of the term*.

*"Facility" does not include the following*:

*a home, institution, or place operated by the federal government or agency* of the federal government*, or by the State of Illinois*;

*a hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities* for the treatment of mental illness that *is required to be licensed under the Hospital Licensing Act*;

*a facility for child care as defined in the Child Care Act of 1969*;

*a community living facility as defined in the Community Living Facilities Licensing Act*;

*a nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination; however,* the *nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety*;

*a facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act*;

*a supportive residence licensed under the Supportive Residences Licensing Act*;

*a supportive living facility in good standing with the program established under Section 5-5.01a of the Illinois Public Aid Code, except only for purposes of the employment of persons in accordance with Section 3-206.01 of the Nursing Home Care Act*;

*an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act, except only for purposes of the employment of persons in accordance with Section 3-206.01 of the Nursing Home Care Act*;

*an Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act*;

*a home, institution, or other place operated by or under the authority of the Illinois Department of Veterans' Affairs*;

*a facility licensed under the ID/DD Community Care Act*; *or*

*a facility licensed under the Nursing Home Care Act after* July 22, 2013(Section 1-102 of the Act)

Findings of root cause analysis – the conclusions of a facility's root cause analysis that summarize how the incident, accident or violation happened and reasons for the incident, accident or violation. Reportable findings do not include investigatory notes, data, staff interviews and other unrelated documentation that led to the conclusions of the root cause analysis.

Governing body – the persons responsible for the overall leadership, oversight and administration of a specialized mental health rehabilitation facility

*Guardian – a person appointed as a guardian of the person or guardian of the estate, or both, of a consumer under the Probate Act of 1975.* (Section 1-102 of the Act)

*Identified Offender – a person who*:

*Has been convicted of, found guilty of, adjudicated delinquent for, found not guilty by reason of insanity for, or found unfit to stand trial for, any felony offense listed in Section 25 of the Health Care Worker Background Check Act, except for the following: a felony offense described in Section 10-5 of the Nurse Practice Act; a felony offense described in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control Act; a felony offense described in Section 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances Act; and a felony offense described in the Methamphetamine Control and Community Protection Act*; or

*Has been convicted of, adjudicated delinquent for, found not guilty by reason of insanity for, or found unfit to stand trial for, any sex offense as defined in Section 10(c) of the Sex Offender Management Board Act.* (Section 1-102 of the Act)

Illness Management and Recovery or IMR – an evidence-based practice aimed at assisting individuals with mental illnesses in learning to manage the symptoms of the illness to reduce interference with pursuit of personal goals.

Individualized Treatment Plan or Treatment Plan or ITP – a written compilation of the consumer's goals; the anticipated outcomes of services; the intermediate objectives to achieve the goals; the specific SMHRF services to be provided to the consumer; the amount, frequency and duration of the services; and the staff responsible for providing the services.

Institute for Mental Disease or IMD – facilities that are federally designated as institutes for mental diseases and that will be licensed as specialized mental health rehabilitation facilities under the Act and this Part, subject to the provisions in Section 1-101.5 of the Act.

Instrumental activities of daily living or IADL – activities to support daily life within the home and community that require more complex interactions than the self-care in ADLs, including, but not limited to, communication, community mobility, health management, home management, meal preparation and clean up, safety and emergency management, shopping and money management.

Interdisciplinary Team or IDT − a group of persons, representing those professions, disciplines or service areas that are relevant to identifying a consumer's strengths, preferences and needs, that designs a program to meet those needs.

Lead Defendant Agency – State of Illinois Agency named in each fiscal year's Implementation Plan as the lead agency for the Williams and Colbert Consent Decrees on behalf of the Defendants. For the purposes of this definition, "Implementation Plan" refers to the plan set forth in the Consent Decree, created and implemented by the Defendants, with the input of the Monitor and Plaintiffs, to accomplish the obligations and objectives set forth in the Decree.

Licensed Practitioner of the Healing Arts or LPHA – shall have the meaning ascribed to it in the DHS-DMH rule Medicaid Community Mental Health Services Program.

Licensed Practical Nurse − a person with a valid Illinois license to practice as a practical nurse under the Nurse Practice Act.

*Licensee – the person, persons, firm, partnership, association, organization, company, corporation, or business trust to which a license has been issued.* (Section 1-102 of the Act)

Linkage – A partnership between a facility and a community-based behavioral health provider that includes the community-based behavioral health provider from the time of a consumer's admission into a facility (in crisis stabilization, transitional living units, and recovery and rehabilitation supports), or as soon as possible following admission, in developing and implementing the consumer's individualized treatment plan for effective care coordination and transitioning the consumer to independent living in the community, or to the least restrictive setting of the consumer's choice. Linkage includes a face-to-face meeting between the consumer and the community-based behavioral health provider with which he or she is linked prior to discharge, except for consumers in the 23-hour triage center.

Mental Health Preadmission Screening and Resident Review or MH PASRR – a comprehensive review conducted under the auspices of DHS-DMH prior to the admission of a consumer with serious mental illness, at the end of 90 days following admission, at the end of six months, and then annually.

Mental Health Professional or MHP – shall have the meaning ascribed to it in the DHS-DMH rule the Medicaid Community Mental Health Services Program.

*Misappropriation of a consumer's property – the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a consumer's belongings or money without the consent of a consumer or his or her guardian.* (Section 1-102 of the Act)

*Neglect – a facility's failure to provide, or willful withholding of, adequate medical care, mental health treatment, psychiatric rehabilitation, personal care, or assistance that is necessary to avoid physical harm and mental anguish of a consumer.* (Section 1-102 of the Act)

On site – in a facility and in a particular level of service within a facility.

Performance Improvement Project or PIP – an effort by a facility to address a specific violation or problem, either in one service area of a facility, or facility-wide. PIPs require a systematic gathering of information to clarify issues and problems to improve the delivery of care to consumers.

Person-centered care – an approach to mental health treatment that involves collaboration between the consumer, treatment providers, and other supporters of the individual, including the consumer's guardian and substitute decision maker, and is focused on the goals the consumer has identified for recovery in his or her treatment plan. Person centered care focuses on building upon the strengths and resources of the consumer to achieve recovery goals. Roles are defined for the consumer, the treatment providers, and other supporters to assist in reaching these goals.

*Personal care* or Activities of daily living or ADL *– assistance with meals, dressing, movement, bathing, or other personal needs, maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his or her person, whether or not a guardian has been appointed for* the *individual. "Personal care" shall not be construed to confine or otherwise constrain a facility's pursuit to develop the skills and abilities of a consumer to become self-sufficient and capable of increasing levels of independent functioning.* (Section 1-102 of the Act)

Psychiatric Medical Director – a physician who is licensed under the Medical Practice Act of 1987 and who is board eligible or board certified in psychiatry by the American Board of Psychiatry and Neurology.

Psychotropic medication – medications used for antipsychotic, antidepressant, anti-manic, anti-anxiety, or behavior modification, for behavioral management purposes as listed in the American Medical Association Drug Evaluation and the Physicians' Desk Reference.

Qualified Mental Health Professional or QMHP – shall have the meaning ascribed to it in the DHS-DMH rule Medicaid Community Mental Health Services Program.

*Recovery and rehabilitation supports or* RRS *– a* unit with a *program that facilitates a consumer's longer-term symptom management and stabilization while preparing the consumer for transitional living units* or transition to the community *by improving living skills and community socialization.* (Section 1-102 of the Act)

Recovery – the process in which persons are able to live, work, learn and participate fully in their communities. For some persons, recovery is the ability to live a fulfilling and productive life despite a disability. For others, recovery implies the reduction or complete remission of symptoms.

Registered Nurse − a person with a license to practice as a registered professional nurse under the Nurse Practice Act.

Rehabilitation Services Associate (RSA) – shall have the meaning ascribed to it in the DHS-DMH rule Medicaid Community Mental Health Services Program.

Restorative care – care that is designed to facilitate the consumer's recovery and re-entry into the community.

*Restraint* −

*a physical restraint that is any manual method or physical or mechanical device, material, or equipment attached or adjacent to a consumer's body that the consumer cannot remove easily and restricts freedom of movement or normal access to one's body; devices used for positioning, including, but not limited to, bed rails, gait belts, and cushions, shall not be considered to be restraints for purposes of this* Part*. For the purposes of* the *Act* and this Part, *restraint shall be administered only after utilizing a coercive-free environment and culture; or*

*a chemical restraint that is any drug used for discipline or convenience and not required to treat medical symptoms*. (Section 1-102 of the Act)

Root cause – a fundamental reason or reasons for an incident, accident or violation, without which the incident, accident or violation would not have occurred.

Root cause analysis – the process for determining how an incident, accident or violation occurred.

*Self-administration of medication – means* that *consumers shall be responsible for the control, management, and use of* their *own medication.* (Section 1-102 of the Act)

Serious mental illness – as used in this Part, any of the following diagnoses:

DSM-5 diagnosis of a psychotic disorder, excluding those caused by a general medical condition or substance use when of moderate or severe intensity and associated with moderate or severe functional impairment of a greater than 90-day duration.

DSM-5 diagnosis of bipolar or related disorder, excluding those caused by a general medical condition or substance use, when of moderate or severe intensity and associated with moderate to severe functional impairment of a greater than 90-day duration.

DSM-5 diagnosis of a depressive disorder, excluding those caused by a general medical condition or substance use, when of moderate or severe intensity and associated with severe functional impairment of a greater than 90-day duration.

DSM-5 diagnosis of borderline personality disorder associated with moderate to severe functional impairment of a greater than 90-day duration.

DSM-5 diagnosis of post-traumatic stress disorder associated with moderate to severe functional impairment of a greater than 90-day duration.

DSM-5 diagnosis of obsessive compulsive disorder associated with moderate to severe functional impairment of a greater than 90-day duration.

State Authorized Personnel – individuals who have a legal duty to provide specified services to residents of long-term care facilities, including, but not limited to, representatives of the Office of the State Long-Term Care Ombudsman Program, the Office of State Guardian, and the Legal Advocacy Service; and community-service providers or third parties serving as agents of the State for purposes of providing telemedicine, transitional services to community-based living, and any other supports related to existing consent decrees and court-mandated actions.

Substitute decision maker – a person who possesses the authority to make mental health decisions on behalf of the consumer under the Powers of Attorney for Health Care Law, under the Mental Health Treatment Preference Declaration Act, or the Probate Act of 1975.

*Transitional living units – residential units within a facility that have the purpose of assisting the consumer in developing and reinforcing the necessary skills to live independently outside of the facility. The duration of stay in* this *setting shall not exceed 120 days for each consumer. Nothing in this definition shall be construed to be a prerequisite for transitioning out of a facility.* (Section 1-102 of the Act)

*Therapeutic separation – the removal of a consumer from the milieu to a room or area* that *is designed to aid in the emotional or psychiatric stabilization of that consumer.* (Section 1-102 of the Act)

*Triage center – a non-residential, 23-hour center that serves as an alternative to emergency room care, hospitalization, or re-hospitalization for consumers in need of short-term crisis stabilization.* (Section 1-102 of the Act)

Unit – a crisis stabilization, recovery and rehabilitation supports, or transitional living level of service within a facility.

Wellness Recovery Action Plan (WRAP) – an evidence-based system developed by the Copeland Center for use by people dealing with mental health and other challenges who want to attain the highest possible level of wellness.

Williams Consent Decree – Williams et al. v. Pritzker et al., Case No. 05 C 4673, N.D. Illinois, Eastern Division.

Williams Consent Decree Class Members or Williams Class Members – all Illinois residents who are eighteen (18) years old or older and who have a Mental Illness; are institutionalized in a privately owned Institution for Mental Diseases; and, with appropriate supports and services, may be able to live in an integrated community setting.

Williams Consent Decree Defendant Agencies – the Illinois Department of Human Services, the Division of Mental Health of the Illinois Department of Human Services, the Illinois Department of Public Health, and the Illinois Department of Healthcare and Family Services, including any successor to these departments.

(Source: Amended at 46 Ill. Reg. 16870, effective September 26, 2022)