

NURSING-HOME LAW
AND
MINIMUM STANDARDS
FOR
LICENSURE

Adopted August 15, 1945
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STATE OF ILLINOIS
DWIGHT H. GREEN, Governor

DEPARTMENT OF PUBLIC HEALTH
ROLAND R. CROSS, M.D., Director

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NURSING-HOME LAW

AND MINIMUM STANDARDS FOR INTERPRETATION AND ENFORCEMENT

AN ACT IN RELATION TO THE LICENSING AND REGULATION OF HOMES FOR THE MAINTENANCE, CARE, AND NURSING OF PERSONS WHO ARE ILL OR PHYSICALLY INFIRM

Enacted by the Sixty-fourth General Assembly,
Approved July 17, 1945

"Section 1. For the purposes of this Act, unless the context otherwise requires:

" 'Nursing home' or 'home' means a private home, institution, building, residence or other place which undertakes, through its ownership or management, to provide maintenance, personal care, or nursing for three or more persons who, by reason of illness or physical infirmity, are unable properly to care for themselves. The term does not include the following:

" (a) a home, institution or other place operated by the federal government or agency thereof or by the State of Illinois, a political subdivision thereof or municipal corporation therein;

" (b) a hospital, sanitarium or other institution whose principal activity or business is the care and treatment of persons suffering from mental or nervous diseases;

" (c) 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 of organized facilities therefor.

" (d) any child welfare agency, maternity hospital or lying-in home required to be licensed by the State of Illinois.

" 'Person' means a natural person or persons, firm, partnership, association or corporation.

" 'Department' means the State Department of Public Health.

"Section 2. On and after July 1, 1945, no person shall open, conduct, manage or maintain a nursing home without a license from the Department. However, any nursing home in existence on the effective date of this Act for which an application for a license hereunder has been filed prior to August 1, 1945, may continue to operate during the period its application is under consideration without being deemed in violation of this Act.

"Section 3. Application to conduct and operate a nursing home shall be made to the Department on form blanks furnished by it and shall be accompanied by a license fee of \$25.00. The application shall be under oath and shall contain (a) the name and address of the applicant if an individual, and if a firm, partnership or association,

of every member thereof, and in the case of a corporation, the name and address thereof and of its officers; (b) the location of the home for which a license is sought; (c) the name of the person or persons under whose management or supervision the home will be conducted; (d) the number and type of residents for which maintenance, care and nursing is to be provided, and (e) such information relating to the number, experience and training of the employees of the home and of the moral character of the applicant and employees as the Department may deem necessary. Each application shall be accompanied by a statement relative to the financial status of the applicant.

"Section 4. The Department shall prescribe and publish minimum standards in relation to:

"(a) construction of the home, including plumbing, heating, lighting, ventilation, and other housing conditions, which shall ensure the health, safety, and comfort of residents and protection from fire hazard;

"(b) number and qualifications of all personnel, including the nursing personnel, having responsibility for any part of the care given to residents;

"(c) all sanitary conditions within the nursing home and its surroundings, including water supply, sewage disposal, food handling, and general hygiene, which shall ensure the health and comfort of residents; and

"(d) diet related to the needs of each resident and based on good nutritional practice and on recommendations which may be made by the physician attending the resident.

"Section 5. Upon receipt of an application for a license hereunder, the Department shall cause a thorough investigation to be made of the premises proposed to be licensed, and of the applicant, and if satisfied that the minimum standards prescribed by it are met, and if the applicant is otherwise qualified, it shall issue a license for a period of one year. The Department may, either before or after the issuance of a license, designate the Division of Fire Prevention of the Department of Public Safety, county and multiple county health departments, or municipal boards of health to make investigations relating to minimum standards prescribed by it, and all such agencies shall cooperate with and comply with requests of the Department hereunder. The report and recommendations of any such agency shall be in writing and shall state with particularity its findings with respect to compliance or noncompliance with such minimum standards.

"Section 6. An application for a license may be denied for any of the following reasons:

"(a) failure to meet any of the minimum standards prescribed by the Department under Section 4;

"(b) conviction of a felony, as shown by a certified copy of the record of the court of conviction, of the applicant, or if the applicant is a firm or corporation, of any of its members or officers, or of the person designated to manage or supervise the home; or other satisfactory evidence that the moral character of the applicant or the manager or supervisor of the home is not reputable;

“(c) nursing personnel insufficient in number or unqualified by training or experience properly to care for the proposed number and type of residents;

“(d) financial inability to operate and conduct the home in accordance with the requirements of this act and the minimum standards, rules and regulations promulgated thereunder.

“Section 7. A license may be revoked, or a renewal thereof denied for any of the following reasons:

“(a) cruelty or indifference to the welfare of the residents;

“(b) misappropriation or conversion of the property of the residents;

“(c) violation of any provision of this act or of the minimum standards, rules, regulations or orders of the Department promulgated thereunder;

“(d) any ground upon which an application for a license may be denied as prescribed in Section 6.

“A license shall not be refused nor shall a license be revoked or a renewal thereof denied except after 10 days notice in writing to the applicant or licensee specifying the reasons therefor, and an opportunity afforded for a fair hearing before the Department.

“Section 8. Every home conducted by a licensee hereunder, and any premises proposed to be conducted by an applicant for a license, shall be open at all reasonable times to inspection by the Department and by any agency designated by the Department as provided in Section 5.

“Section 9. Every licensee shall keep such records and make reports as the Department shall prescribe and all such records shall be open to inspection by the Department.

“Section 10. A license shall expire one year after date of issuance unless renewed. The renewal fee shall be \$5.00 which shall be paid at the time the application for renewal is filed. The license shall be displayed in a conspicuous place in the hall or near the main entrance inside the home. A license shall be valid only in the hands of the person to whom it is issued and shall not be the subject of sale, assignment or other transfer, voluntary or involuntary, nor shall a license be valid for any premises other than those for which originally issued.

“Section 11. In addition to the authority to prescribe minimum standards, the Department may adopt and enforce rules and regulations relating to the operation and conduct of nursing homes and the care, treatment and maintenance of the residents thereof as it shall deem necessary for an effective administration of this Act.

“Section 12. Nothing in this Act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination.

"Section 13. Any person aggrieved by a final administrative decision of the Department may have such decision reviewed only in accordance with the 'Administrative Review Act,' approved May 8, 1945. The provisions of the 'Administrative Review Act' and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term 'administrative decision' is defined as in Section I of said 'Administrative Review Act.'

"Section 14. The opening or operation of a nursing home as herein defined without a license therefor, or the violation of any provision of this Act or of any minimum standard, rule, regulation or order entered by the Department thereunder shall be a misdemeanor punishable, upon conviction, by a fine of not less than \$25.00 nor more than \$100.00, and each day's violation shall constitute a separate offense.

"Section 15. Any city, village or incorporated town may by ordinance, provide for the licensing and regulation of homes or nursing homes as defined herein within such municipality. The provisions of this Act, other than the provisions of Section 13 which shall be applicable to the judicial review of final administrative decisions of the regulatory agency of the municipality, shall not apply within any municipality which enacts such an ordinance provided, that said ordinance substantially complies with the minimum requirements of this Act. Such compliance shall be determined by the Department subject to review as provided in Section 13 of this Act."

MINIMUM STANDARDS FOR NURSING HOMES

Section 4(a). "The Department shall prescribe and publish minimum standards in relation to the construction of the home including plumbing, heating, lighting, ventilation, and other housing conditions, which shall ensure the health, safety, and comfort of residents, and protection from fire hazards."

Satisfactory compliance.—This item shall be deemed to have been satisfied if:

Plumbing

- (1) All fixtures are protected against back-siphonage as follows:
 - a. All lavatory and sink faucets discharge at least 1 inch above the maximum spill line of the fixture.
 - b. All bathtub, laundry tub, etc., faucets discharge at least 2 inches above the maximum spill line of the fixture.
 - c. All flushometer-valve-type toilets are equipped with an approved vacuum breaker installed on the discharge side of the flush valve and at least 4 inches above the rim of the toilet bowl.
 - d. All wall-reservoir, gravity-type toilet or urinal flush tanks are equipped with an approved vacuum-breaker ball cock installed at least 1 inch above the overflow pipe.
 - e. All other plumbing is so installed that contamination can not, in the opinion of the Department, be siphoned back into the water-supply piping.
- (2) No physical pipe connections exist between a potable and nonpotable water supply.
- (3) All plumbing is of such size and so installed that fixtures are adequately served and satisfactorily drained.
- (4) Adequate flush-type toilet facilities of a type approved by the Department are provided and such toilets are easily accessible, conveniently located, clean, substantially constructed, in good repair, and are maintained in a sanitary condition at all times. Toilet seats are preferably of open-front construction. No frostproof toilets are provided. One water closet is provided for each ten ambulatory residents or major fraction thereof. Where urinals are provided for men, one water closet and one urinal are provided for each fifteen ambulatory males or major fraction thereof. Separate toilet facilities for each sex are provided where deemed advisable by the Department.
- (5) Handwashing facilities consisting of a lavatory and soap are provided in each toilet room for each fifteen ambulatory residents or major fraction thereof, and individual towels are provided for each resident. See "General Hygiene, Beds and Linens" for regulations on towels and washcloths.
- (6) Adequate bathing facilities are provided and such facilities are easily accessible, conveniently located, clean, substantially constructed, in good repair, and are maintained in a sanitary condition at all times. Showers or tubs are provided with hand grips, or otherwise protected to minimize possible accidents.

(7) Drinking fountains, if provided, meet the design features as recommended by the Department.

Heating

(1) Each room or ward in which residents are housed, or to which residents have reasonable access, can be heated to not less than 80° F. under all weather conditions. Heat is preferably supplied from a central heating system, and all heating appliances other than electrical are properly vented to the outside.

Lighting

(1) Evenly distributed artificial light, equivalent to not less than one-half watt of electric light per square foot of floor area, is provided in each room or ward in which residents are housed or to which residents have reasonable access. A properly designed reading lamp equivalent to a 50-watt electric bulb is conveniently located for residents who desire to read.

(2) The floor area is not greater than eight times the window area in all rooms occupied by residents.

(3) All halls, toilets, kitchens, and basements are well lighted and are equipped with artificial lights for night use.

(4) Lights burn all night in bathrooms and in halls that are traffic ways between bedrooms and bath.

Ventilation

(1) A floor area of not less than 60 square feet is provided for each resident in the sleeping room; the ceilings are not less than 7 feet; and the space between beds is not less than 3 feet.

(2) Each room or ward to which residents have reasonable access has properly located window openings, and such windows are maintained so that they may be readily opened and closed. Windows which can not be opened from the top are equipped with ventilating shields so that direct drafts may be minimized.

General Conditions

(1) The recommendations of the State Fire Marshal are followed in all matters pertaining to fire prevention and safety.

(2) The building is substantially constructed, in good repair, all doors and windows close readily and effectively, and screen doors open outward. Screening of not less than 16 meshes per inch is used for all outer openings during the fly season; all door and window screens are snugly fitted and in good repair.

(3) A community room for residents (such as a living-room) is provided for reading, and other recreational purposes. Residents desiring to attend religious services should have provision made for this.

(4) No personal-care or nursing-attention residents are housed above the second floor unless the Department approves.

(5) Basement rooms are not used for the accommodation of residents unless approved by the Department. Any room not equipped with a full standard-sized window entirely above the ground surface is considered to be a basement room.

(6) The home is located on a well-drained site, is not subject to flooding, and is situated on an all-weather road.

(7) The premises, both inside and outside, are maintained in a clean and sanitary condition at all times.

(8) Telephone service is provided in the home.

Section 4(b). "Number and qualifications of all personnel, including the nursing personnel, having responsibility for any part of the care given to residents."

Satisfactory compliance.—This item shall be deemed to have been satisfied if:

Personnel

(1) A qualified and responsible superintendent is in charge of the nursing home. The superintendent has the duty of maintaining a desirable standard of resident care and environmental sanitation, and is fully authorized to carry out recommendations of the Department necessary in order that the establishment may comply with State Statutes and Department standards governing nursing homes.

(2) All persons in charge of, employed by, or associated with the nursing home are of suitable character and temperament to function in their appointed capacities and to provide for the adequate care and comfort of the residents, as determined by the Department.

(3) The superintendent and all persons in a supervisory or responsible position are not less than 21 years of age, and have not been convicted of any crime. No employee is less than 16 years of age.

(4) The nursing service in the home shall be the responsibility of a person who is either a registered or graduate nurse, or a practical nurse having sufficient experience to qualify her to care for the patients, as determined by the Department.

(5) Additional personnel is employed when the size of the service requires it, in order to give adequate care to the residents. In employing personnel, careful inquiry is made as to training, experience, character, and other qualifications for the position. This information is made a matter of record.

(6) Adequate nursing service is supplied for the home at all times. This is determined more by the neat, clean appearance of the residents' clothing, bed linen, and room, by the absence of bed sores and skin irritations, by the condition of the mouth, and the lack of offensive odors, than by any predetermined number of residents cared for by one attendant.

(7) Night care for the patients, and relief for off-duty, illness, and vacation time of personnel is provided at all times.

Section 4(c). "All sanitary conditions within the nursing home and its surroundings, including water supply, sewage disposal, food handling, and general hygiene, which shall ensure the health and comfort of residents."

Satisfactory compliance.—This item shall be deemed to have been satisfied if:

Water Supply

(1) Water is obtained from a public water supply, the safety of which has been determined by the Department.

(2) If a safe public water supply is not available, the water is obtained from a private source meeting the approval of the Department. Its publications, "Wells, Dug, Drilled, and Driven" and "Cisterns" will be used as a guide in judging this item.

(3) The supply is adequate in quantity and delivered under sufficient pressure to serve satisfactorily all fixtures in the home.

(4) There are facilities in the home for furnishing an adequate supply of hot water.

(5) No sources of nonpotable water are available on the premises without special permission from the Department.

Sewage

(1) All sanitary wastes from the home are discharged to a public sewer system.

(2) When a public sewer system is not available the sanitary wastes are disposed of in a manner meeting the approval of the State Sanitary Water Board.

Food Handling

"Rules and regulations for the Sanitary Control of Eating and Drinking Establishments" by the State Department of Public Health shall apply.

General Hygiene

(1) The home is at all times kept free from flies, roaches, rats, and other vermin. In the employment of remedial measures, care is exercised to prevent material so used from coming in contact with food and from being stored so as to constitute a hazard.

(2) Individual bedpans are provided unless a satisfactory reason is given for not so doing. Contents of bedpans, commodes, and cuspidors are emptied into toilet stools or into slopsinks. After each emptying, the receptacles are rinsed thoroughly with cold water, and a bedpan brush used to remove any particles. The receptacles are then washed with hot water, laundry soap (or other detergent), and a brush. Neither the lavatories nor bathtubs are used for washing of these receptacles, nor are bathtubs used for storage of bedpans when not in use. Contents of sputum containers, soiled bandages, used surgical dressings, etc., are wrapped securely in newspaper, then burned as soon as practicable.

(3) Floors or floor coverings are constructed so as to be easily cleaned. If wooden floors are not covered, the finish should be such that splintering is prevented, and no unfilled cracks exist for dirt collection.

(4) Freshly laundered sheets, a minimum of 99 inches in length, and of sufficient width to cover the mattress completely, are provided each resident at least weekly, or as frequently as necessary to insure personal cleanliness. Bedding, satisfactory in condition and cleanliness, and adequate in quantity to maintain body comfort, is furnished each resident. Linens are not used by more than one resident between launderings.

(5) Freshly laundered towels and washcloths are provided each resident at least once weekly, or more often as needed to insure cleanliness. Towels and washcloths are for individual use only; while in use, provision for storage is maintained on this basis. Common usage of bedding, towels, or washcloths is not permitted.

(6) Substantially constructed beds, in good repair and a minimum of 36 inches wide, are provided. A separate bed, preferably single or twin size, is maintained for each resident in the home.

(7) Each bed is equipped with springs in good repair and a clean, comfortable, well-constructed mattress at least 5 inches thick and standard in size for the bed. Mattresses are maintained in a sanitary condition; highly absorbent mattress pads are used at all times, and when necessary, additional protection in the form of moistureproof covers is provided.

(8) Adequate laundry facilities are provided in quarters used exclusively for this purpose, unless arrangements are made for a commercial concern to supply complete laundry service. Table linens and kitchen towels, bed linens and bath towels, and personal laundry are washed separately. The clean laundry is not hung to dry in the living portion of the home.

(9) Each patient confined to bed is given a complete bath at least every other day; ambulatory patients receive a minimum of two baths weekly.

(10) Clothing of residents is kept neat, clean, and in good repair.

(11) The supply of hospital equipment and supplies is adequate to care for the needs of the residents.

Section 4(d). "Diet related to the needs of each resident and based on good nutritional practice and on recommendations which may be made by the physician attending the resident."

Satisfactory compliance.—This item shall be deemed to have been satisfied if:

Diet

(1) A well-balanced diet of good-quality food, correctly prepared, and sufficient in quantity to meet the nutritional needs of the residents is provided. This should include for each day: (a) 1 pint of milk per person; (b) 2 servings of fruit (1 citrus); (c) 1 to 2 servings of meat, fish, poultry, or eggs (fish, meat, or poultry should be served at least 4 times a week, plus a minimum of 4 eggs weekly); (d) 2 tablespoons of butter or enriched margarine; (e) cereals and bread every meal; (f) potatoes once a day, occasionally twice; (g) 2 servings of vegetables (1, leafy green or yellow) in addition to potatoes; (h) simple deserts (stewed or canned fruit, custard, gelatin, cookies, etc.)

(2) Therapeutic (special) diets are provided as ordered by the physician as part of the course of treatment for the resident.

Section 11. "In addition to the authority to prescribe minimum standards, the Department may adopt and enforce rules and regulations relating to the operation and conduct of nursing homes and the care, treatment, and maintenance, of the residents thereof as it shall deem necessary for an effective administration of this Act."

Satisfactory compliance.—This item shall be deemed to have been satisfied if :

Operation Procedures

(1) The supervising physician or the resident's private physician makes visits to the establishments as often as necessary to ensure adequate medical care, as determined by the Department. A physician is available for call to the home when emergency visits are required.

(2) Treatment and/or medication is given only on written order signed by a physician legally licensed to practice medicine in the State. This includes all forms of restraint or confinement.

(3) The operator of the home assumes the entire responsibility of seeing that the necessary precautions are taken and that all the rules of the State and local health departments are followed, so that there is a minimum of danger of transmission of a communicable disease to the residents under his care. This responsibility includes the home's personnel as well as the residents themselves.

(4) Individuals with a contagious disease in a communicable state are not admitted to the home. Residents having a communicable disease contracted or diagnosed after their admission to the home are isolated in a manner satisfactory to the Department.

(5) At the time of admission of the resident to the home, the following information is obtained from the resident or the person responsible for his welfare, and permanently recorded by the manager of the home :

Name (full)	Address before entering home
Birthplace and date	Age
Father's name	Sex
Mother's name (maiden)	Religion
Person to notify in emergency (name, address, and telephone number)	Burial plans
Date of admission, discharge, death	
New address	

(6) A record is made by the physician of the diagnosis and conditions of the resident at the time of his admission to the home.

(7) A list of all articles of clothing and personal possessions, with identifying description, is made out in duplicate when the resident is admitted to the home. The list is signed by the resident (or person responsible for him) and by an authorized employee of the home. Each signer retains one copy, the one retained by the home to be filed with the other records of the resident.

(8) All agreements or contracts entered into between the home and the resident are made out in duplicate (as in No. 7) and the home's copy filed with the personal record of the resident.

(9) Orders given by the physician authorizing the administration of medicines, and/or other treatments are in writing and signed by the physician. These are kept as a permanent record in the home and as a part of the individual medical record of the resident. A prescrip-

tion, filled by the druggist on the physician's order, and bearing on the label the name of the patient, with directions for giving the medicine, is acceptable as a written order.

(10) All medicines are correctly labeled and stored by themselves in a locked cupboard. Poisons, or preparations which may poison, are stored apart from other drugs and foods, and neither of the above is accessible to the residents.

(11) Narcotics are recorded in conformity with the Federal narcotic laws, listing full name of patient, name and amount of drug, date and time given, name and narcotic number of physician ordering drug, and name of person administering it. Records of narcotics given are kept on file for a minimum of two years.

(12) A record of food served daily (at each meal) to the residents is kept. This record is for the current six-month period.

(13) Any other records requested by the Department are kept in a manner satisfactory to the Department.

(14) Space is provided in lockers, drawers, or closets for the storage of a limited number of personal possessions of each resident. A single drawer is assigned to not more than one resident.

(15) Some type of signal for summoning aid is conveniently provided for each patient.

(16) A nursing home does not engage in the business of caring for children; a child is considered as anyone under 16 years of age.

STATE OF ILLINOIS }
County of Sangamon } SS.

I, Roland R. Cross, M.D., Director of the Department of Public Health of the State of Illinois, do hereby certify that the foregoing is a true copy of the Minimum Standards for Nursing Homes, in said State, promulgated under date of August 15, 1945, and revised December 29, 1947.

IN WITNESS WHEREOF, I hereunto set my hand and Official Seal of the Department of Public Health of the State of Illinois, this 29th day of December, 1947.



Roland R. Cross, M.D.

Director of Public Health



