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Illinois Register

Rules of Governmental Agencies

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Administrative Code Div.
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(217) 782-7017

published by
George H. Ryan
Secretary of State

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

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Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995	July 3, 1995	July 11, 1995	29	July 21, 1995
Jan. 3, 1995	Jan. 10, 1995	3	Jan. 20, 1995	July 11, 1995	July 18, 1995	30	July 28, 1995
Jan. 10, 1995	Jan. 17, 1995	4	Jan. 27, 1995	July 18, 1995	July 25, 1995	31	Aug. 4, 1995
Jan. 17, 1995	Jan. 24, 1995	5	Feb. 3, 1995	July 25, 1995	Aug. 1, 1995	32	Aug. 11, 1995
Jan. 24, 1995	Jan. 31, 1995	6	Feb. 10, 1995	Aug. 1, 1995	Aug. 8, 1995	33	Aug. 18, 1995
Jan. 31, 1995	Feb. 7, 1995	7	Feb. 17, 1995	Aug. 8, 1995	Aug. 15, 1995	34	Aug. 25, 1995
Feb. 7, 1995	Feb. 14, 1995	8	Feb. 24, 1995	Aug. 15, 1995	Aug. 22, 1995	35	Sept. 1, 1995
Feb. 14, 1995	Feb. 21, 1995	9	Mar. 3, 1995	Aug. 22, 1995	Aug. 29, 1995	36	Sept. 8, 1995
Feb. 21, 1995	Feb. 28, 1995	10	Mar. 10, 1995	Aug. 29, 1995	Sept. 5, 1995	37	Sept. 15, 1995
Feb. 28, 1995	Mar. 7, 1995	11	Mar. 17, 1995	Sept. 5, 1995	Sept. 12, 1995	38	Sept. 22, 1995
Mar. 7, 1995	Mar. 14, 1995	12	Mar. 24, 1995	Sept. 12, 1995	Sept. 19, 1995	39	Sept. 29, 1995
Mar. 14, 1995	Mar. 21, 1995	13	Mar. 31, 1995	Sept. 19, 1995	Sept. 26, 1995	40	Oct. 6, 1995
Mar. 21, 1995	Mar. 28, 1995	14	Apr. 7, 1995	Sept. 26, 1995	Oct. 3, 1995	41	Oct. 13, 1995
Mar. 28, 1995	Apr. 4, 1995	15	Apr. 14, 1995	Oct. 3, 1995	Oct. 10, 1995	42	Oct. 20, 1995
Apr. 4, 1995	Apr. 11, 1995	16	Apr. 21, 1995	Oct. 10, 1995	Oct. 17, 1995	43	Oct. 27, 1995
Apr. 11, 1995	Apr. 18, 1995	17	Apr. 28, 1995	Oct. 17, 1995	Oct. 24, 1995	44	Nov. 3, 1995
Apr. 18, 1995	Apr. 25, 1995	18	May 5, 1995	Oct. 24, 1995	Oct. 31, 1995	45	Nov. 13, 1995 (Mon.)
Apr. 25, 1995	May 2, 1995	19	May 12, 1995	Oct. 31, 1995	Nov. 7, 1995	46	Nov. 17, 1995
May 2, 1995	May 9, 1995	20	May 19, 1995	Nov. 7, 1995	Nov. 14, 1995	47	Nov. 27, 1995 (Mon.)
May 9, 1995	May 16, 1995	21	May 26, 1995	Nov. 14, 1995	Nov. 21, 1995	48	Dec. 1, 1995
May 16, 1995	May 23, 1995	22	June 2, 1995	Nov. 21, 1995	Nov. 28, 1995	49	Dec. 8, 1995
May 23, 1995	May 30, 1995	23	June 9, 1995	Nov. 28, 1995	Dec. 5, 1995	50	Dec. 15, 1995
May 30, 1995	June 6, 1995	24	June 16, 1995	Dec. 5, 1995	Dec. 12, 1995	51	Dec. 22, 1995
June 6, 1995	June 13, 1995	25	June 23, 1995	Dec. 12, 1995	Dec. 19, 1995	52	Dec. 29, 1995
June 13, 1995	June 20, 1995	26	June 30, 1995	Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996
June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

TABLE OF CONTENTS

March 10, 1995 Volume 19, Issue 10

PROPOSED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Conditions Of Employment
80 Ill. Adm. Code 3032524

Merit And Fitness
80 Ill. Adm. Code 3022539

COMMERCE COMMISSION, ILLINOIS

Grade Crossing Closure & Opening
92 Ill. Adm. Code 15362550

FIRE MARSHAL, OFFICE OF THE STATE

Boiler And Pressure Vessel Safety
41 Ill. Adm. Code 1202557

Storage, Transportation, Sale & Use Of Liquefied Petroleum Gases
41 Ill. Adm. Code 2002576

INSURANCE, DEPARTMENT OF

Annual Audited Financial Report
50 Ill. Adm. Code 9252587

LABOR, DEPARTMENT OF

Health And Safety
56 Ill. Adm. Code 3502603

POLLUTION CONTROL BOARD

Sewer Discharge Criteria
35 Ill. Adm. Code 3072612

PROFESSIONAL REGULATION, DEPARTMENT OF

Interior Design Profession Title Act
68 Ill. Adm. Code 12552646

The Illinois Nursing Act Of 1987
68 Ill. Adm. Code 13002658

PUBLIC HEALTH, DEPARTMENT OF

Hospital Licensing Requirements
77 Ill. Adm. Code 2502673

SECRETARY OF STATE

Regulations Under Illinois Securities Law Of 1953
14 Ill. Adm. Code 1302733

VETERANS' AFFAIRS, DEPARTMENT OF

Korean War Memorial Construction Fund
95 Ill. Adm. Code 1222757

ADOPTED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Audits, Reviews, And Investigations
89 Ill. Adm. Code 4342760

Licensing Standards For Day Care Homes
89 Ill. Adm. Code 4062765

Licensing Standards For Group Day Care Homes
89 Ill. Adm. Code 4082784

COMMERCE COMMISSION, ILLINOIS

Standards Of Service For Electric Utilities
83 Ill. Adm. Code 4102804

COMMUNITY COLLEGE BOARD, ILLINOIS

Administration Of The Illinois Public Community College Act
23 Ill. Adm. Code 15012816

FINANCIAL INSTITUTIONS, DEPARTMENT OF

Illinois Credit Union Act
38 Ill. Adm. Code 1902826

INSURANCE, DEPARTMENT OF

Traditional Long-Term Care Insurance
50 Ill. Adm. Code 20122832

PUBLIC AID, DEPARTMENT OF

Aid To Families With Dependent Children
89 Ill. Adm. Code 1122845

Aid To The Aged, Blind Or Disabled
89 Ill. Adm. Code 1132875

Assistance Standards

89 Ill. Adm. Code 1112886

Developmental Disabilities Services
89 Ill. Adm. Code 1442890

Medical Assistance Programs

89 Ill. Adm. Code 1202905

Medical Payment
89 Ill. Adm. Code 1402933

PUBLIC HEALTH, DEPARTMENT OF

Distribution Of Medical Student Scholarship Payback Funds
77 Ill. Adm. Code 5942955

PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD

Health Facilities Planning Procedural Rules
77 Ill. Adm. Code 11302972

Narrative & Planning Policies
77 Ill. Adm. Code 11002985

Processing, Classification Policies And Review Criteria
77 Ill. Adm. Code 11102991

REVENUE, DEPARTMENT OF	
Motor Fuel Tax	
86 Ill. Adm. Code 500	3008

EMERGENCY RULES

POLLUTION CONTROL BOARD	
Organic Material Emission Standards And Limitations For The Metro East Area	
35 Ill. Adm. Code 219	3059

PEREMPTORY RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310	3073

AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD	
Health Facilities Planning Procedural Rules	
77 Ill. Adm. Code 1130, Refusal	3088

NOTICE OF PUBLIC INFORMATION

BANKS AND TRUST COMPANIES, COMMISSIONER OF	
Notice Of Public Meeting	3090
POLLUTION CONTROL BOARD	
Notice Pursuant To 415 ILCS 5/7.2(b)	3091

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda for Meeting of March 14, 1995	3092
Second Notices Received	3099

PROCLAMATIONS

PROCLAMATIONS	
95-074 Bangladesh Day	3101
95-075 Estonian Day	3101
95-076 James H. Troy Day	3101
95-077 Mount Sinai Parenting Institute Day	3102
95-078 Chicago Latino Film Festival Days	3102

95-079 Croatian American Day	3103
95-080 Industrial Distribution Day	3103
95-081 Interior Design Awareness Month	3104
95-082 St. David's Day	3104

CUMULATIVE INDEX

1995 Index - Issue # 10	CI-1
-------------------------	------

SECTIONS AFFECTED INDEX

1995 Index - Issue # 10	SAI-1
-------------------------	-------

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Conditions of Employment

2) Code Citation: 80 Ill. Adm. Code 303

3) Section number: Proposed Action:

303.90	Amend
303.125	Amend
303.130	New
303.140	Amend
303.145	Amend
303.148	Amend
303.155	Amend
303.390	New

4) Statutory Authority: Implementing and authorized by Sections 8 and 8c of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, pars. 63b108 and 63b108c) [20 ILCS 415/8 and 8c].

5) A Complete Description of the Subjects and Issues Involved:

Section 303.90 The proposed change to Section 303.90 will remove the 30 day limitation currently in effect for use of sick leave for family illness in any calendar year. This change will conform the Personnel Rules to the collective bargaining agreement. In addition, employees who do not use any of their sick days in a calendar year will be awarded an additional personal day on January 1 of the next calendar year. This is also consistent with the collective bargaining agreement. The first date on which an additional personal day can be awarded is January 1, 1996.

Section 303.125(a). The proposed change conforms this Section with Section 303.90 by providing that employees who do not use any of their sick days in a calendar year will be awarded an additional personal day on January 1 of the next calendar year.

Section 303.130. The proposed addition of Section 303.130 will conform the Personnel Rules to the collective bargaining agreement and provide that covered members will be eligible for 10 days paid maternity/paternity leave per year.

303.140. The proposed change to Section 303.140 will remove the requirement of the Director's (Central Management Services) approval of leaves of absence without pay to employees for periods not to exceed six months. This change will assist the Department in decentralizing certain transactions and allow agencies under the jurisdiction of the Personnel Code to complete paperwork without the approval of the Director.

303.145. The proposed change to Section 303.145 will allow the State

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Employees' Retirement System to select an impartial physician when the agency and the employee cannot agree upon the selection of an impartial physician.

Section 303.148(n). The proposed addition to 303.148(n) will provide that an employee's health and dental insurance will be paid for up to six months while the employee is on family responsibility leave.

303.155. The proposed change to Section 303.155 will remove the requirement of the Director's (Central Management Services) approval of leaves of absence for certified employees who accept appointment in a position which is exempt from Jurisdiction B of the Personnel Code. This change will assist the Department in decentralizing certain transactions and allow agencies under the jurisdiction of the Personnel Code to complete paperwork without the approval of the Director.

Section 303.390 Tuition Reimbursement. The new proposed Section contains rules to implement and clarify Section 8c(3) of the Personnel Code which sets forth the conditions under which State employees may receive tuition reimbursement.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217) 782-9669

12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This amendment was included in the recent regulatory agenda.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 303

CONDITIONS OF EMPLOYMENT

SUBPART A: GRIEVANCE PROCEDURE

Section	
303.10	Definition of a Grievance
303.20	Procedure
303.30	Grievance Committee
303.45	Representation

SUBPART B: LEAVE OF ABSENCE

Section	
303.90	Sick Leave
303.100	Accumulation of Sick Leave
303.102	Payment in Lieu of Sick Leave
303.105	Reinstatement of Sick Leave
303.110	Advancement of Sick Leave
303.112	Sick Leave Bank
303.115	Veterans Hospital Leave
303.125	Leave for Personal Business
303.130	Maternity/Paternity and Adoption Leave
303.135	On-The-Job Injury -- Industrial Disease
303.140	Leaves of Absence without Pay
303.142	Leave to Attend Union Conventions
303.145	Disability Leave
303.148	Family Responsibility Leave
303.150	Employee Rights After Leave
303.153	Failure to Return
303.155	Leave to Take Exempt Position
303.160	Military and Peace Corps Leave
303.170	Military Reserve Training and Emergency Call-Up
303.171	Leave for Military Physical Examinations
303.175	Disaster Service Leave With Pay
303.180	Attendance in Court
303.190	Authorized Holidays
303.200	Holiday Observance
303.215	Payment for Holidays
303.220	Holiday During Vacation
303.225	Eligibility for Holiday Pay
303.250	Vacation Eligibility
303.260	Prorated Vacation for Part-Time Employees

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 303.270 Vacation Schedule and Loss of Earned Vacation
- 303.290 Payment in Lieu of Vacation
- 303.295 Vacation Benefits on Death of Employee

SUBPART C: WORK HOURS AND SCHEDULES

- Section
- 303.300 Work Schedules
- 303.310 Emergency Shut-Down
- 303.320 Overtime
- 303.330 Overtime Payable Upon Death
- 303.340 Attendance Records
- 303.350 Notification of Absence
- 303.355 Review of Attendance Records

SUBPART D: UNDATED OR INCOMPLETE FORMS

- Section
- 303.360 Undated Forms
- 303.370 Incomplete Forms

SUBPART E: EMPLOYEE SEPARATIONS

- Section
- 303.380 Reason for Separation
- 303.385 Repayment of Benefit Time

SUBPART F: TUITION REIMBURSEMENT

- Section
- 303.390 Tuition Reimbursement

AUTHORITY: Implementing and authorized by the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b101 et seq.) [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980 for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19 Ill. Reg. _____, effective _____.

SUBPART B: LEAVE OF ABSENCE

Section 303.90 Sick Leave

All employees, excepting those in emergency, intermittent, per diem or temporary status, unless such status is the result of accepting a non-permanent working assignment in another class, shall accumulate sick leave at the rate of one day for each month's service. Sick leave may be used for illness, disability or injury of the employee, appointments with doctor, dentist or other professional medical practitioner and also may be used for not more than 30 days in one calendar year in the event of serious illness, disability, injury or death of a member of the employee's immediate family. The operating agency or the Department may require evidence to substantiate that such leave was used for the purpose herein set forth for periods of absence of ten consecutive workdays or less. For periods of absence for more than ten consecutive workdays the employee shall provide verification for such absence in accordance with the provisions of Section 303.145. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded one (1) additional personal day on January 1 of the next calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such additional personal day shall be used in accordance with Section 303.125.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 303.125 Leave for Personal Business

a) All employees, excepting those in emergency, per diem or temporary status shall be permitted 3 personal days off each calendar year with pay. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded one (1) additional personal day on January 1 of the next calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such personal days may be used for such occurrences as observance of religious holidays, Christmas shopping, absence due to severe weather conditions, or for other similar personal reasons, but shall not be used to extend a holiday or annual leave except as permitted in advance by the operating agency through prior written approval. Employees entitled to receive such leave who enter service during the year shall be given credit for such leave at the rate of 1/2 day for each 2 months service for the calendar year in which hired. Such personal leave may not be used in increments of less than 2 hours at a time. Except for those emergency situations which preclude the making

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

of prior arrangements, such days off shall be scheduled sufficiently in advance to be consistent with operating needs of the employer.

b) Personal leave shall not accumulate from calendar year to calendar year; nor shall any employee be entitled to payment for unused personal leave upon separation from the service except as provided in Section 8c(2) of the Personnel Code. The accrued leave amount paid under this Section of the Personnel Code shall be certified in writing to the employee by the employing agency. This certification may be held by the employee or forwarded to the Retirement System.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 303.130 Maternity/Paternity and Adoption Leave

A covered member of the State employees' group insurance program who pre-certifies the member's or the member's covered dependent's pregnancy within the first two trimesters will be eligible for two weeks or 10 consecutive work days paid maternity/paternity leave after the birth of the child or children. If both the father and the mother are employed by the State, only one parent may be eligible for this leave. An employee with a newly adopted child will be eligible for this two weeks or 10 consecutive work days leave.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 303.140 Leaves of Absence Without Pay

- a) Unless otherwise provided in this Subpart ~~and with the prior approval of the Director~~, an agency may grant leaves of absence without pay to employees for periods not to exceed 6 months and such leaves may be extended for good cause by the operating agency for additional 6 month periods ~~with the Director's approval~~.
- b) Any employee, except an employee in a position or program financed in whole or in part by loans or grants made by the United States or any Federal agency, who is elected to State office, shall, upon request, be granted a leave of absence for the duration of the elected terms.
- c) No emergency or temporary employee shall be granted leave of absence.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 303.145 Disability Leave

- a) An employee who is unable to perform a substantial portion of his/her regularly assigned duties due to temporary physical or mental disability shall upon request be granted a leave for the duration of such disability.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- b) In granting such leave or use of sick leave as provided in Section 303.90, the agency shall apply the following standards:
- 1) A substantial portion of regularly assigned duties shall be those duties or responsibilities normally performed by the employee which constitute a significant portion of the employee's time or which constitute the differentiating factors which identify that particular position from other positions, provided the balance of duties can be reassigned by the agency;
 - 2) A request for disability leave shall be in writing except when the Agency is advised by other appropriate means of the employee's disability in which event the employee's signature is not required;
 - 3) Except for service-connected disability as provided in Section 303.135, the employee shall have exhausted available sick leave provided under Section 303.90 prior to being granted a disability leave; an employee may use other accrued paid time for this purpose but is not required to do so;
 - 4) During a disability leave, the disabled employee shall provide written verification by a person licensed under the "Medical Practices Act" of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 4401-1 et seq.) [225 ILCS. 60] or under similar laws of Illinois or of other states or countries or by an individual authorized by a recognized religious denomination to treat by prayer or spiritual means; such verification shall show the diagnosis, prognosis and expected duration of the disability; such verification shall be made no less often than every 30 days during a period of disability, unless the nature of the disability precludes the need for such frequency of verification;
 - 5) As soon as an employee becomes aware of an impending period of disability, he/she shall notify the appropriate supervisor of such disability and provide a written statement by the attending physician of the approximate date the employee will be unable to perform his/her regularly assigned duties;
 - 6) If the Agency has reason to believe that the employee is able or unable to perform a substantial portion of his/her regularly assigned duties, it may seek and rely upon the decision of an impartial physician chosen by agreement of the parties or in the absence of such agreement upon the decision of an impartial physician who is not a State employee and who is selected by the Director/State Employees' Retirement System.
- c) Failure of an employee to provide verification of continued disability upon reasonable request shall on due notice cause termination of such leave.
- d) An employee's disability leave shall terminate when said employee is no longer temporarily disabled from performing his/her regularly assigned duties.
- 1) An employee is no longer temporarily disabled when he/she is able to perform his/her regularly assigned duties upon advice of the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

appropriate authority or, in the absence of such authority, the attending physician.

- 2) An employee is no longer temporarily disabled when he/she is found to be permanently disabled and unable to perform a substantial or significant portion of his/her regularly assigned duties by the appropriate authority, or in the absence of such authority, by the attending physician.
- 3) In determining whether to approve a requested discharge of an employee for failure to return from a disability leave or for physical inability to perform the duties of a position, the Director may seek and rely upon the advice of the State Employees Retirement System or other appropriate authority, including an impartial physician selected in accordance with Section 303.145(b)(6) above.
- e) Return from Disability Leave.
 - 1) An employee who returns from a disability leave of six months or less shall be returned by the Agency to the same or similar position in the same class in which the employee was incumbent at the time the leave commenced.
 - 2) An employee who returns from a disability leave exceeding six months and there is no vacant position available in the same class held by the employee at the commencement of such leave may be laid off in accordance with the Rules on Voluntary Reduction and Layoff, unless such leave resulted from service-connected disability, in which case the employee shall be returned to employment as in (1) above.
 - f) An employee who is on disability leave while in temporary or emergency status, except if such status results from a leave of absence to accept such position, shall be eligible for such leave for the balance of such appointment and shall earn or accrue no other benefit arising from this Subpart.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 303.148 Family Responsibility Leave

- a) An employee who wishes to be absent from work in order to meet or fulfill responsibilities, as defined in subsection (f) below, arising from the employee's role in his or her family or as head of the household will normally, upon request and in the absence of another more appropriate form of leave, be granted a Family Responsibility Leave for a period not to exceed one year. Such request shall not be unreasonably denied. The Agency Head will consider whether the need for the family responsibility leave is substantial, whether the action is consistent with the treatment of other similar situations and whether the action is equitable in view of the particular circumstances prompting the request.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- b) Any request for such leave shall be in writing by the employee not less than 15 calendar days in advance of the leave unless such notice is precluded by emergency conditions, stating the purpose of the leave, and the expected duration of absence.
- c) Such leave shall be granted only to a permanent full-time employee, except that an intermittent employee shall be non-scheduled for the duration of the required leave. An employee in temporary, emergency, provisional, or trainee status shall not be granted such leave.
- d) 'Family Responsibility' for purposes of this Section is defined as the duty or obligation perceived by the employee to provide care, full-time supervision, custody or non-professional treatment for a member of the employee's immediate family or household UNDER CIRCUMSTANCES TEMPORARILY INCONSISTENT WITH UNINTERRUPTED EMPLOYMENT IN STATE SERVICE. (P.A. 83-877, eff. 9/26/83)
- e) 'Family' has the customary and usual definition for this term for purposes of this Section, that is:
 - 1) group of two or more individuals living under one roof, having one head of the household and usually, but not always, having common ancestry, and including the employee's spouse;
 - 2) such natural relation of the employee, even though not living in the same household, as parent, sibling or child; or
 - 3) adoptive, custodial and 'in-law' individuals when residing in the employee's household but excluding persons not otherwise related of the same or opposite sex sharing the same living quarters but not meeting any other criteria for 'family'.
- f) Standards for granting a Family Responsibility Leave are:
 - 1) to provide nursing and/or custodial care for the employee's newborn infant, whether natural born or adopted;
 - 2) to care for a temporarily disabled, incapacitated or bedridden resident of the employee's household or member of the employee's family;
 - 3) to furnish special guidance, care or supervision of a resident of the employee's household or a member of the employee's family in extraordinary need thereof;
 - 4) to respond to the temporary displacement of the family due to a natural disaster, crime, insurrection, war or other disruptive event;
 - 5) to settle the estate of a deceased member of the employee's family or to act as conservator if so appointed and providing the exercise of such functions precludes the employee from working; or
 - 6) to perform family responsibilities consistent with the intention of this Section but not otherwise specified.
- g) The agency shall require substantiation or verification of the need by the employee for such leave, the substantiation or verification shall be consistent with and appropriate to the reason cited in requesting the leave, such as:
 - 1) a written statement by a physician or medical practitioner

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Eligibility: Any full time employee is eligible for reimbursement consideration. Employees hired on a temporary or emergency basis are not eligible for consideration.
- 2) Tuition and Fees: Reimbursement will apply only toward tuition and lab fees. Additional costs such as for books, matriculation, activity and health fees will not be reimbursable expenses.
- 3) Reimbursement: Reimbursement is not to exceed 100% of tuition and lab costs at public institutions, and 80% at private institutions. Agencies may establish an annual dollar cap per employee, depending upon funds available for the program.
- 4) Satisfactory Course Completion: Reimbursement for an approved course is contingent upon the employee submitting evidence of satisfactory completion (e.g., at least a grade of "C") together with receipts documenting the amount of tuition moneys paid. Reimbursement will be accomplished by means of a standard invoice voucher. At no time shall tuition be paid or reimbursed prior to completion of the course.
- 5) Course Load: Course load should be mutually agreed upon by the employee and his or her supervisor and should not harm an employee's on-the-job effectiveness.
- 6) Course Scheduling: Education and/or career development work should be scheduled as an off-duty activity. When a desired course is not available as an off-duty activity, an employee may use vacation or personal time. An employee and his or her supervisor may also arrange a flexible work schedule, provided such a schedule does not adversely affect work loads in his or her unit of assignment.
- 7) Full Participation: Priority should be given to those courses in which full participation is required on a regular basis and where final grades are issued since such conditions provide a reasonable basis against which satisfactory completion can be measured. In those cases where facilities for full participation in classroom instruction are not available or where attendance creates undue hardship, an agency director may approve enrollment in V.A. approved correspondence courses.
- 8) Degree Program: Reimbursement may be approved for work-related courses which are taken to complete requirements for a grammar school certificate or high school diploma, and for courses that lead to the upgrading of skills for the performance of an employee's assigned work responsibilities. Reimbursement may also be approved for work-related courses toward completion of college or graduate level degree programs.
- 9) Enrollment: Applicants will be required to gain approval from their supervisors and agency director (or authorized representative) prior to course enrollment.
- 10) Aid From Other Source: In applying for tuition reimbursement, an employee will indicate whether (s)he is or is not receiving aid from other sources (such as the G.I. bill, Federal Grants,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- Scholarships, etc.). The fact that an employee is eligible for or receiving aid from another source does not render him or her ineligible for participation in the Tuition Reimbursement Program. However, tuition reimbursement should be made only toward the balance between the outside aid awarded and the remaining tuition due.
- 1) Exclusions: Reimbursement is not intended to apply to in-service training conducted within the agency, nor is it intended to apply to workshops, professional conferences, seminars, or other short term programs.
 - d) Work Commitment/Pay Back. Employees receiving tuition reimbursement from the State shall incur a work commitment to the State.
 - 1) Except as provided in subsection (d)(6) below, if State-paid training did not lead to a post secondary degree, employees shall be obligated to continue in the employ of the State for a period of at least 18 months following completion of the most recent course.
 - 2) If State-paid training did lead to a post secondary degree (i.e., Bachelors, Masters or other higher level professional or post graduate degree) and the State paid for 50% or more of the hours required to earn the degree, employees shall be obligated to continue in the employ of the State for a minimum of four (4) years after receiving the degree. Course work begun before January 1, 1992, shall not be counted as part of the 50% requirement under this Section.
 - 3) The tuition reimbursement agreement that is executed pursuant to this Section may require the employee to provide written status reports on his/her progress toward receiving a post secondary degree.
 - 4) If the employee voluntarily leaves State employment prior to fulfilling this work commitment, the State may recover payments in addition to interest at the rate of 1% per month from the time the State makes the payment until the time the State recovers the payment.
 - 5) The amount owed by an employee shall be reduced by 25% for each year the employee works for the State after the employee receives a post secondary degree, or by 1/18th of the gross amount for each month the employee works for the State after completing the most recent course which does not lead to a post secondary degree.
 - 6) This Section may not be used as the basis for recovering payments for course work that was started before January 1, 1992; was completed as a requirement for a grammar school certificate or a high school diploma; was to prepare for a high school level General Educational Development test or to improve literacy or numeracy; specialized training in the form of a conference, seminar, workshop or similar arrangement offered by public or private organizations; was provided as part of the Upward

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Mobility Program administered by the Department of Central Management Services, or was a condition of continued employment.

(Source: Added at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Adm. Code 302
- 3) Section number: Proposed Section:

302.30	Amendment
302.300	Amendment
302.785	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 8, 8b.7, 8b.15 and 8b.16 of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, pars. 63b6108, 63b609b.7, 63b608.15 and 63b608.16) (20 ILCS 415.8, 80.7, 8b.15 and 8b.16).

5) Complete Description of the Subjects and Issues Involved:

Section 302.30. The proposed amendments are intended to conform the existing rules with provisions in current law regarding veterans preference.

Section 302.300. The proposed amendments will amend the probationary period for merit compensation employees consistent with the probationary period for collective bargaining employees.

Section 302.785. The proposed amendments will result in conformity between the Personnel Rules and the collective bargaining agreement in situations where employees have been arrested or indicted. Under the proposal, agencies will be authorized to suspend such employees without pay pending the outcome of their criminal proceeding. Such authorization is consistent with current practices with collective bargaining employees.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

- 12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.
- 13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This amendment was included in the recent regulatory agenda.

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 302
MERIT AND FITNESS

SUBPART A: APPLICATION AND EXAMINATION

Section	Examinations
302.10	Time, Place, Conduct, Cancellation, Postponement and Suspension of Examinations
302.20	
302.30	Veterans Preference
302.40	Announcement of Examination
302.52	Notice to Eligibles
302.55	Grading Examinations
302.60	Retaking or Regarding Examinations
302.70	Application and Eligibility

SUBPART B: APPOINTMENT AND SELECTION

Section	Eligible Lists
302.80	Appointments
302.90	Alternative Employment
302.91	Geographic Preference
302.100	Pre-Employment Screening
302.105	Appointment From Eligible List
302.110	Responsibilities of Eligibles
302.120	Removal of Names From Eligible Lists
302.130	Replacement of Names on Eligible List
302.140	Appointment and Status
302.150	Extension of Jurisdiction B
302.160	

SUBPART C: TRAINEES

Section	Programs
302.170	Appointments
302.175	Limitations on Trainee Appointments
302.180	

SUBPART D: CONTINUOUS SERVICE

Section	Definitions
302.190	Interruptions In Continuous Service
302.200	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

302.210 Deductions From Continuous Service
 302.215 Leave of Absence for Educational Purposes
 302.220 Veterans Continuous Service
 302.230 Peace or Job Corps Enrollees Continuous Service
 302.240 Accrual and Retention of Continuous Service During Certain Leaves
 302.250 Limitations on Continuous Service

SUBPART E: PERFORMANCE REVIEW

Section
 302.260 Performance Records
 302.270 Performance Evaluation Forms

SUBPART F: PROBATIONARY STATUS

Section
 302.300 Probationary Period
 302.310 Certified Status
 302.320 Status Change in Probationary Period
 302.325 Intermittent Status

SUBPART G: PROMOTIONS

Section
 302.330 Eligibility for Promotion
 302.335 Limitations On Promotions
 302.340 Failure to Complete Probationary Period

SUBPART H: EMPLOYEE TRANSFERS

Section
 302.400 Transfer
 302.410 Intra-Agency Transfer
 302.420 Inter-Agency Transfer
 302.425 Merit System Transfer
 302.430 Geographical Transfer (Agency Directed)
 302.431 Geographical Transfer (Agency Directed) Procedures
 302.432 Notice To Employee
 302.433 Effective Date of Geographical Transfer (Agency Directed)
 302.435 Employee-Requested Geographical Transfer
 302.440 Rights of Transferred Employees
 302.445 Transfer of Duties
 302.450 Limitations on Transfers
 302.460 Employee Records

SUBPART I: DEMOTION

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

302.470 Demotion
 302.480 Notice to Employee
 302.490 Employee Obligations
 302.495 Salary and Other Benefits of Employee
 302.496 Appeal by Certified Employee
 302.497 Demotion of Other Employees
 302.498 Status of Demoted Employees

SUBPART J: VOLUNTARY REDUCTION AND LAYOFFS

Section
 302.500 Voluntary Reduction of Certified and Probationary Employees
 302.505 Limitations in Voluntary Reduction
 302.507 Definition of Layoff
 302.510 Temporary Layoff
 302.512 Use of Accrued Benefits During Temporary Layoff
 302.514 Notice of Temporary Layoff
 302.516 Return from Temporary Layoff
 302.518 Scheduling for Temporary Layoffs
 302.519 Deferral of Wages
 302.520 Indeterminate Layoff Procedure
 302.523 Voluntary Indeterminate Layoff
 302.525 Disapproval
 302.530 Order of Layoff
 302.540 Effective Date of Layoff
 302.550 Employee Opportunity to Seek Voluntary Reduction
 302.560 Order of Preference in Voluntary Reduction
 302.570 Reemployment Lists
 302.580 Employment From Reemployment List
 302.590 Removal of Names From Reemployment List
 302.595 Laid Off Probationary Employee
 302.596 Appeal by Employee
 302.597 Reinstatement from Layoff
 302.600 Resignation
 302.610 Reinstatement

SUBPART K: DISCHARGE AND DISCIPLINE

Section
 302.625 Definition of Certified Employee
 302.626 Progressive Corrective Discipline
 302.628 Prohibited Disciplinary Action
 302.630 Disciplinary Action Waiver Notice
 302.640 Suspension Totalling Not More Than Thirty Days in any Twelve Month Period
 302.660 Suspension Totalling More than Thirty Days in any Twelve Month Period
 302.670 Approval of Director of Central Management Services
 302.680 Notice to Employee

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

302.690 Employee Obligations
 302.700 Cause for Discharge
 302.705 Pre-Termination Hearing
 302.710 Suspension Pending Decision on Discharge
 302.720 Discharge of Certified Employee
 302.730 Notice to Employee
 302.750 Appeal by Employee
 302.780 Discharge of Probationary Employee
 302.781 Reinstatement from Suspension or Discharge
 302.785 ~~Suspension~~ Discharge Resulting From Arrest or Criminal
 Indictment/Suspension Pending Judicial Verdict
 302.790 Prohibition of Discrimination

SUBPART L: TERM APPOINTMENTS

Section
 302.800 Definition of Terms
 302.810 Positions Subject to Term Appointments
 302.820 Appointment
 302.821 Effect of Loss of Federal Funding on Employees Excluded from Term
 Appointment by Reason of Being Federally Funded (Repealed)
 302.822 Appointees Under Term Appointments
 302.823 No Promotion to Positions Covered by Term Appointments (Repealed)
 302.824 No Reallocation to Term Positions
 302.825 Reemployment Rights to Term Appointment
 302.830 Expiration of Term Appointment
 302.840 Renewal Procedures
 302.841 Renewal Procedures for Incumbents on the Effective Date of Section
 8b18 of the Personnel Code (Repealed)
 302.842 Effective Date of Reappointment or Termination (Repealed)
 302.846 Change in Position Factors Affecting Term Appointment Exclusion
 302.850 Reconsideration Request
 302.860 Renewal Procedure for Incumbents Subject to Public Act 83-1369
 302.863 Renewal of Certified or Probationary Incumbents in Exempted Positions

AUTHORITY: Implementing and authorized by the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b101 et seq.) [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendments at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 302.30 Veterans Preference

- a) ~~Qualified persons who have passed an examination and who have been members of the armed forces of the United States in times of hostilities with a foreign country as set forth in Section 8b7 of the Personnel Code or while citizens of the United States were members of the armed forces of the United States in time of hostilities with a foreign country, shall be granted preference in entrance examinations:~~
- b) ~~To qualify for this preference a person must have served in the armed forces for at least 6 months or have been discharged on the ground of hardship or have been released from active duty because of a service connected disability and not have received a dishonorable discharge.~~
- c) ~~Five points shall be added to the entrance examination grade for such non-disabled veteran eligibles:~~
- 2) ~~Ten points shall be added to the entrance examination grade for United States Veterans Administration or from such allied country for war service connected disabilities, ten points for a spouse of a veteran with a war service connected disability that prevents the veteran from qualifying for civil service, and ten points for one parent of an unmarried veteran who suffered a war service connected death or a war service connected disability that prevents the veteran from qualifying for civil service employment; the first parent to receive a civil service appointment shall be the parent entitled to the preference.~~
- 3) ~~If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the non-veteran eligibles in the same category.~~

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

a) Appropriate preference in entrance examinations shall be granted to qualified persons who have been members of the armed forces of the United States or to qualified persons who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country (as set forth in Section 8b7 of the Personnel Code) and to certain other persons as set forth in this Section.

b) To be eligible, applicant must have received discharge under honorable conditions and served under one or more of the following conditions:

- 1) Served, for at least six months, in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States, or, while a U.S. citizen, must have been a member of the armed forces of an ally of the U.S. in time of hostilities with a foreign country; or
- 2) Discharged on the grounds of hardship; or
- 3) Released from active duty because of a service connected disability; or
- 4) Served for the duration of hostilities regardless of the length of engagement.

c) Preference will be in the form of points added to the final grades of persons who otherwise qualify and are entitled to appear on the list of those eligible for appointments. Preference in entrance examinations will be granted as follows:

- 1) Ten points shall be added to the entrance examination grade for such veteran eligibles currently holding proof of a service connected disability from the United States Veterans Administration or from such allied country for service connected disabilities or if the veteran is a purple heart recipient.
 - 2) Five points shall be added to the entrance examination grade for such veteran eligibles who have served during a time of hostilities with a foreign country; who meet the qualifications set forth in subsection (b); but who do not qualify for 10 points under subsection (c)(1).
 - 3) A person not eligible for a preference under subsection (c)(1) or (c)(2) is qualified for a preference of 3 points if the person has served in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States and the person:
 - A) served for at least 6 months and has been discharged under honorable conditions; or
 - B) has been discharged on the grounds of hardship; or
 - C) was released from active duty because of a service connected disability.
- An active member of the National Guard or a reserve component of the armed forces of the United States is eligible for the preference if the member meets the service requirements of this subsection (3).

d) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the non-veteran eligibles in the same category.

e) A surviving unmarried spouse of a veteran who suffered a service connected death or the spouse of a veteran who suffered a service connected disability that prevents the veteran from qualifying for civil service employment shall be entitled to the same preference to which the veteran would have been entitled under this Section.

f) A preference shall also be given to the following individuals: 10 points for one parent of an unmarried veteran who suffered a service connected death or a service connected disability that prevents the veteran from qualifying for civil service employment. The list parent to receive a civil service appointment shall be the parent entitled to the preference.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART F: PROBATIONARY STATUS

Section 302.300 Probationary Period

- a) A probationary period of six months shall be served by
- 1) an employee who enters State service or commences a new period of continuous service,
 - 2) an employee who is reinstated as provided under Section 302.610,
 - 3) an employee who is appointed from an open competitive eligible list, whether or not it be considered an advancement in rank or grade.
- b) A probationary period of three four months shall be served by any employee who is promoted. An employee transferred during the probationary period shall serve that portion of the probationary period which was not completed at the time of such transfer.
- c) A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits accrued during such probationary period.
- d) If an employee is absent from work for more than 15 consecutive calendar days during the probationary period because of leave of absence, disciplinary suspension, sick leave, unauthorized absence, or work related injury or industrial disease, such absence shall serve to extend the probationary period by the length of the absence.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 302.785 ~~Suspension or Discharge~~ Resulting From Arrest or Criminal Indictment/Suspension Pending Judicial Verdict

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) The arrest or criminal indictment of any employee ~~shall not~~ may be grounds for ~~suspension or discharge unless~~ if the arrest or indictment and facts in support of either made known to the Director:
- 1) resulted from an employee's conduct in the course of employment duties, including a failure to perform such duties, or
 - 2) occurred on or proximate to State premises and as a result of the employee's conduct thereon, or
 - 3) raises reasonable doubt concerning the employee's suitability for continued State employment in the present assignment or position.
- b) If an employee is not subject to ~~suspension or~~ discharge under subsection (a) above, the Director shall under the circumstances set forth in subsection (c) below, at the request of ~~the employee an~~ agency, ~~place such~~ suspend an employee ~~on--indefinite--leave--status,~~ without pay, pending a final court determination of innocence or guilt.
- c) The following shall control the ~~granting of a leave~~ suspension pending judicial verdict:
- 1) An affected employee may be in jail, free on bond or in some other similar status at the time the ~~leave is granted~~ suspension is imposed.
 - 2) The arrest or indictment of an employee shall be for State or Federal criminal or civil charges, or charges brought in a foreign country, which raise reasonable doubt concerning the employee's suitability for continued employment in the current position. Traffic violations are not sufficient cause for ~~this~~ leave suspension except where the employee temporarily loses driving privileges if the license is a requirement for work as contained in the job description or position classification specification.
 - 3) Any proposed ~~leave~~ Suspension Pending Judicial Verdict requires approval by the Agency head or designee and will include a complete and detailed statement of the reason(s) for the ~~leave~~ suspension and a copy of any official document, such as charges, indictment or arrest record, which supports the ~~leave~~ suspension.
 - 4) Such ~~leave~~ suspension shall have no designated expiration date, depending on the length of the initial judicial process. The suspension ends with the return of the employee to work, discharge or termination of employment. The Director shall notify the agency of the status of the ~~leave~~ suspension 12 months after the ~~leave~~ suspension is granted and each 12 months thereafter for the agency to determine the continuing validity of the ~~leave~~ suspension. This suspension will not be continued while the employee appeals an initial guilty verdict through higher courts.
 - 5) A ~~leave~~ suspension pending judicial verdict will be submitted to the Director for approval and service. ~~the Director--shall approve--any--leave--which--complies--with--the--criteria--set--forth--in--this--subsection--(c)-~~ An approved ~~leave~~ Suspension Pending

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- Judicial Verdict will be served on the employee in person or by certified mail, return receipt requested, to the employee's latest address of record. It will be the responsibility of the employee to notify the agency of any change of address.
- 6) Upon a finding of not guilty or the dismissal of the charges for any reason the employee, upon application, will be restored to the same or similar position classification in the agency and work location held at the time the ~~leave~~ suspension was ~~granted~~ issued. A similar position classification shall include:
- A) the same position classification with different duties;
 - B) a successor position classification; ~~and~~ or
 - C) a different position classification having related requirements and duties and the same salary or wage assignment.
- 7) The employee shall not be entitled to back pay for the period ~~suspended. Exceptions to this rule will require the prior approval of the Director of Central Management Services.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Grade Crossing Closure and Opening

2) Code Citation: 92 Ill. Adm. Code 1536

3) Section Numbers: Proposed Action:

1536.10	New Section
1536.20	New Section
1536.30	New Section
1536.40	New Section
1536.50	New Section
1536.60	New Section

4) Statutory Authority:

Implementing Section 18c-7401 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202 and 18c-7401].

5) A Complete Description of the Subjects and Issues Involved:

Public Act 88-296 amended the Illinois Commercial Transportation Law to require the Commission to adopt standards for the closure and opening of at-grade crossings of public highways and railroads. This rulemaking would implement that law.

6) Will this Proposed Rule replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this Proposed Rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking:

Public hearings on this Proposed Rule will be held at places and times specified below:

Illinois Department of Agriculture Auditorium
Illinois State Fairgrounds
Gate 11, Sangamon Avenue
Springfield, Illinois

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

April 3, 1995
2:00 P.M. - 4:30 P.M.
6:30 P.M. - 9:00 P.M.

and

April 4, 1995
2:00 P.M. - 4:30 P.M.
6:30 P.M. - 9:00 P.M.

Persons unable to attend the hearing but wishing to comment may submit written comments to:

Kathy Campbell
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217)785-1018

Comments should be filed within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 24, 1995

B) Types of small businesses affected: This amendment may affect accessibility to those small businesses as defined in the Illinois Administrative Procedure Act which are located in and around the communities and rural areas where a crossing is closed.

C) Reporting, bookkeeping or other procedures required for compliance:
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rule begins on the next page:

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED RULES
TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: RAIL CARRIERS

PART 1536
GRADE CROSSING CLOSURE AND OPENING

- Section 1536.10 Petition to Close Grade Crossing Under Mandatory Crossing Closure Rules
- 1536.20 Criteria for Mandatory Crossing Closure
- 1536.30 Criteria for Discretionary Crossing Closure
- 1536.40 Petition to Open Grade Crossing Under Mandatory Crossing Opening Rules
- 1536.50 Criteria for Mandatory Crossing Opening
- 1536.60 Criteria for Discretionary Crossing Opening

AUTHORITY: Implementing Section 18c-7401 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401 and 18c-1202].

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

Section 1536.10 Petition to Close Grade Crossing Under Mandatory Crossing Closure Rules

- a) A party may petition the Commission to close a grade crossing of a public highway with the tracks of a registered rail carrier on the grounds that public safety requires such a closure. The Commission shall, at public hearing, consider the evidence presented in the petition. Such hearing shall be conducted in accordance with the Commission's rules of practice (83 Ill. Adm. Code 200).
- b) The petition filed under subsection (a), above, shall include the following information about the crossing:
 - 1) whether crossing is located in an incorporated city, village or town; or, an unincorporated area; and
 - 2) whether crossing is signalized (i.e., equipped with automatic flashing lights with or without gates); or unsignalized (i.e., all other types of warning devices, including crossbuck signs); and
 - 3) the average daily vehicular traffic (ADT) which traverses the crossing; the ADT should be obtained from the Illinois Department of Transportation (IDOT), however, if IDOT does not respond within six months to such a request the petitioner may determine the ADT by performing a traffic study utilizing IDOT's current traffic monitoring practices and procedures; and

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 4) the average number of freight train movements per day over the crossing; the average number of freight trains per day is calculated by taking the total number of freight train movements which occur over the crossing during a period of 28 consecutive days and then dividing that number by 28; and
 - 5) the average number of passenger train movements per day over the crossing; the average number of passenger trains per day is calculated by taking the total number of passenger train movements which occur over the crossing during a period of 28 consecutive days and then dividing that number by 28; and
 - 6) the maximum timetable speed for freight and for passenger trains operating through the crossing.
- c) Parties to the proceeding may contest the validity of the information which is included in the petition per subsection (b), above.

Section 1536.20 Criteria for Mandatory Crossing Closure

- a) The hearing examiner shall assign the crossing proposed for closure to one of the following categories:
 - 1) Category 1: the crossing is located in an incorporated area and the crossing is signalized; or
 - 2) Category 2: the crossing is located in an incorporated area and the crossing is unsignalized; or
 - 3) Category 3: the crossing is located in an unincorporated area and the crossing is signalized; or
 - 4) Category 4: the crossing is located in an unincorporated area and the crossing is unsignalized.
- b) The categories listed in Section 1536.20(a) shall be differentiated by:
 - 1) the crossing's ADT; and
 - 2) the crossing's Train Volume and Speed Index ("TVSI") which is calculated by taking the average number of freight and passenger train movements per day which use the crossing and multiplying each by their maximum timetable train speed. This calculation is represented by the following equation: $TVSI = (Tf \times Sf) + (Tp \times Sp)$

Where:

TVSI = Train Volume and Speed Index

Tf = Average number of freight trains/day

Tp = Average number of passenger trains/day

Sf = Maximum timetable speed for freight trains

Sp = Maximum timetable speed for passenger trains

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- c) To be a candidate for mandatory closure a crossing must have an ADT value less than the threshold for the category, and a TVSI value equal to or greater than the threshold for the assigned category. The closure criteria for each crossing is:

Category	Characteristics
1) Incorporated/Signalized	Closure Criteria ADT ≤ 150 and TVSI ≥ 240
2) Incorporated/Unsignalized	ADT ≤ 200 and TVSI ≥ 240
3) Unincorporated/Signalized	ADT ≤ 100 and TVSI ≥ 300
4) Unincorporated/Unsignalized	ADT ≤ 125 and TVSI ≥ 300

- d) The Commission shall consider evidence regarding the amount of adverse distance which closure will cause. For the purposes of this rulemaking, adverse distance is defined as the distance which must be traveled, from one side of the crossing to reach a point adjacent to and on the opposite side of the crossing to be closed, via the nearest alternate public crossing and roadway. The Commission shall also consider the adequacy of the alternate crossing and roadway.
- e) The alternate public crossing shall be considered adequate if it is equipped with automatic warning devices or grade separated.
- f) The alternate roadway shall be considered adequate if:

- 1) it is a roadway with an all-weather surface; and
 - 2) it is of sufficient width to accommodate its existing vehicular traffic plus the vehicular traffic rerouted by the closure, per IDOT's Bureau of Local Roads and Streets Administrative Policies Manual, published March 1989; and
 - 3) when an existing road is used as an alternate, the roadway is already utilized by the same type(s) of vehicular traffic as the roadway where the crossing is sought to be closed.
- g) Proponents of the closure will bear the burden of proving the alternate public crossing and roadway meet the requirements in subsections (e) and (f) above or will meet them after improvements have been made.
- h) The amount of adverse distance which the closure will cause will not be considered unduly burdensome if:

- 1) it is equal to or less than four miles in unincorporated areas; or
- 2) it is equal to or less than 0.75 miles in incorporated towns, villages, and cities.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- i) The Commission shall order the crossing closed if it meets the criteria set forth in subsections (c), (e), (f) and (h), above, except that no two crossings shall be closed in a row without the consent of the affected highway agency(s) if the distance between the two crossings measured along the railroad's tracks is equal to or greater than one mile.
- j) The Commission shall, when supported by the evidence, order the construction of a turn-around or cul-de-sac to accommodate school bus traffic and/or highway maintenance equipment affected by the crossing closure.
- k) The Commission shall allocate the cost of any improvements found necessary to accommodate a crossing closure required by this Section among the railroad, IDOT and the Grade Crossing Protection Fund.
- l) The Commission shall dismiss a petition filed under Section 1536.10 if the criteria in this Section is not met. The petitioner in the case dismissed may not file a new petition sooner than two (2) years from the date of dismissal.

Section 1536.30 Criteria for Discretionary Crossing Closure

- a) Nothing in Section 1536.10 or Section 1536.20 of this Part shall prevent the Commission, after hearing, from ordering the closure of a crossing in accordance with the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401] (ICTL), regardless of the crossing's location or type of warning devices in service.
- b) In determining whether to close a crossing in such a proceeding the Commission shall make a finding that ...the public safety requires such alteration or abolition... and ...the public convenience served by the crossing in question is not such as to justify the further retention thereof... [625 ILCS 5/18c-7401(3)]. In making such a finding the Commission shall consider, but not be limited to, the following factors:
 - 1) timetable speed of passenger trains; and
 - 2) distance to an alternate crossing; and
 - 3) the crossing's accident history for the last 5 years; and
 - 4) the amount of vehicular traffic and posted speed limits; and
 - 5) the number of freight trains and their timetable speeds; and
 - 6) the type of warning device present at the grade crossing; and
 - 7) alignments of the roadway and railroad, and the angle of intersection of those alignments; and
 - 8) use of the grade crossing by trucks carrying hazardous materials, vehicles carrying passengers for hire, and school buses; and
 - 9) use of the grade crossing by emergency vehicles; and
 - 10) train speeds at the crossing exceeding 79 mph.

Section 1536.40 Petition to Open Grade Crossing Under Mandatory Crossing Opening Rules

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

A party may petition the Commission to open a grade crossing of a public highway with the tracks of a registered rail carrier on the grounds that public necessity requires such an opening.

Section 1536.50 Criteria for Mandatory Crossing Opening

- a) When a petition is filed to extend a public road, highway or street across a track at grade the Commission shall approve such crossing when evidence presented satisfies all of the following criteria:
 - 1) there is presently no vehicular access to the area to be served by the crossing; and
 - 2) alternate vehicular access cannot be provided at a cost equal to or less than the cost of establishing the crossing; and
 - 3) the crossing would not meet the Commission's criteria for closure specified in Section 1536.20 of this Part; and
 - 4) the crossing's average daily traffic (ADT) would be at least 1,000 vehicles per day within 3 years after the crossing was established; and
 - 5) the crossing's location does not interfere with the railroad's operational activities such as switching and usage of a passing track(s); and
 - 6) the crossing does not pose risks to train crews or motorists beyond those normally associated with at-grade crossings.
- b) The Commission shall allocate the cost associated with the construction of a new at-grade crossing required by subsection (a) above among the highway agency(s), IDOT, and the Grade Crossing Protection Fund.

Section 1536.60 Criteria for Discretionary Crossing Opening

Nothing in Section 1536.50 of this Part shall prevent the Commission from ordering the opening of a crossing in accordance with the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401] (ICTL). When determining whether to open a crossing under said law, the Commission shall consider, but is not limited to, the criteria listed in Section 1536.50(a) of this Part.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 1) **Heading of the Part:** Boiler and Pressure Vessel Safety
- 2) **Code Citation:** 41 Ill. Adm. Code 120
- 3) **Section Numbers:**

120.20	Amendment
120.30	Amendment
120.205	Amendment
120.600	Amendment
120.1041	Amendment
- 4) **Statutory Authority:** Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] (see PA 87-1169) and authorized by Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2 and 2.1].
- 5) **A Complete Description of the Subjects and Issues Involved:** The amendments adopt the most recent changes to the American Society of Mechanical Engineers Codes and remove language relating to tanks storing propane due to a statutory change.
- 6) **Will this rulemaking replace any emergency rulemaking currently in effect?** No.
- 7) **Does this rulemaking contain an automatic repeal date?** No.
- 8) **Does this rulemaking contain incorporations by reference?** Yes.
- 9) **Are there any other proposed rulemakings pending on this part?** No.
- 10) **Statement of Statewide Policy Objectives:** These rule changes reflect changes in national standards which are generally adopted by all states. Failure to adopt these standards may result in Illinois businesses having to meet a standard that manufacturers no longer use for fabrication of boilers and pressure vessels.
- 11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Interested parties may submit written comments within 45 days of publication to:

John Pavlou, Chief Counsel
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4259
(217)785-1163
- 12) **Initial Regulatory Flexibility Analysis:**
 - A) Date the rule submitted to the Small Business Office of the Department

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

of Commerce and Community Affairs: February 27, 1995

- B) Types of Small Businesses and Municipalities Affected: Fabricators and purchasers of Boilers and Pressure Vessels.
- C) Reporting, bookkeeping or other procedures required for compliance: No additional requirements.
- D) Types of Professional Skills necessary for Compliance: Same as under current rules.

13) State reasons for this rulemaking if it was not included in either of the two most recent Regulatory Agendas: The proposals were decided upon by the Board of Boiler and Pressure Vessel Rules at public meeting attended by various interested parties who could, and did, make comments and suggestions regarding these changes.

The full text of the Proposed Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHAL

PART 120
BOILER AND PRESSURE VESSEL
SAFETY

SUBPART A: DEFINITIONS AND AMENDMENT

Section
120.4
120.7
120.10
120.11
120.20
120.30
120.41

Forward (Repealed)
Kindly Observe the Following Briefs and Avoid Unnecessary Inconvenience (Repealed)
Definitions
Incorporation of National Standards
Administration
Inspectors, Examinations, Certificate of Competency and Commission
Special Inspector Trainee (Repealed)

SUBPART B: CONSTRUCTION, INSTALLATION, INSPECTION, MAINTENANCE, AND USE

Section
120.100
120.105
120.200
120.205
120.300
120.400
120.500
120.600
120.700
120.800
120.900

New Installations of Boilers, Miniature Boilers, Heating Boilers and Hot Water Supply Boilers
Boiler Exemptions
New Installations of Pressure Vessels
Pressure Vessel Exemptions
Existing Installations of Power Boilers
Existing Installations of Miniature Boilers (Repealed)
Existing Installations of Heating Boilers and Hot Water Supply Boilers (Repealed)
Existing Installation of Pressure Vessels
General Requirements for all Boilers and Pressure Vessels (Repealed)
Nuclear Power Plant Components (Repealed)
Flame Safeguard Requirements and Incorporated Standards (Repealed)

SUBPART C: REPAIR AND ALTERATION

Section
120.1000
120.1010
120.1020
120.1030
120.1040
120.1041

Repairs and Alterations to Boilers and Pressure Vessels by Welding
Authorization to Repair Boilers and Pressure Vessels
Issuance and Renewal of the Certificate
Changes to Certificates of Authorization
Quality Control Requirements
Repair and Alteration Requirements

SUBPART D: STATE SPECIALS

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

at 17 Ill. Reg. 14917, effective September 1, 1993; amended at 19 Ill. Reg. _____, effective _____.

Section 120.20 Administration

Administration (generally)

- a) Applying State Serial Number. The State serial number on boilers shall be not less than 5/16" in height and shall be preceded by the letters "ILL" which shall also be not less than 5/16" in height. Boilers will be identified by a five digit number. The State serial number on pressure vessels shall be not less than 5/16" in height and shall be preceded by the letters "ILL" and the letter "V" which also shall be not less than 5/16" in height. Pressure vessels will be identified by a six digit number. The inspector shall make certain that the correct Illinois State serial number is affixed to the boiler or pressure vessel at the time of inspection.
- b) Attendants of Boilers. In the interest of safety it is recommended that boilers in operation shall be under the supervision of and checked at suitable intervals by a competent attendant.
- c) Basis for Extending Certificate. The Chief Inspector is authorized to extend for not exceeding one year, the time within which power boilers are required to be internally inspected, subject to the following conditions and qualifications:
 - 1) The analysis and treatment of feedwater for such power boilers shall be under the supervision of a person qualified in the field of water chemistry.
 - 2) The analysis and treatment of the boiler feedwater shall be for the purpose of controlling and limiting serious deteriorating, encrusting and sludging factors affecting the safety of the boiler.
 - 3) A) The owner or user of such power boilers must maintain, for examination by the inspector, accurate records of such chemical and physical laboratory analysis of samples of the boiler water taken at regular intervals of not more than twenty-four (24) hours operation and of the treatment applied. These records must specify dates and times of analyses, by whom analyzed, and the treatment applied at that time, and should be certified by the responsible authority. These records will adequately show the conditions of such water and any constituents or characteristics which are capable of producing corrosion or other deterioration of the boiler or its parts.
 - B) The Chief Inspector is authorized to review the qualifications of the supervisor and the acceptability of supervision in accordance with the foregoing.
 - C) Application for extension shall be by letter setting forth facts establishing compliance with the foregoing conditions

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Procedure for the Issuance of State's Special Permits

SUBPART E: REPAIR OF SAFETY AND SAFETY RELIEF VALVES

- Section 120.1100
 - 120.1200
 - 120.1210
 - 120.1220
 - 120.1240
 - 120.1250
 - 120.1260
 - 120.1270
 - 120.1275
 - 120.1280
 - 120.1285
 - 120.1290
- Authorization for Repair of Safety & Safety Relief Valves
 - Authorization to Repair ASME and National Board Stamped Safety and Safety Relief Valves
 - Issuance and Renewal of the Certificate
 - Changes to Certificates of Authorization
 - Repairs to Safety and Safety Relief Valves
 - Quality Control System
 - Nameplates
 - Field Repair
 - Performance Testing of Repaired Valves
 - Training of Valve Repair Personnel
 - ASME "v", "UV" or National Board "VR" Certificate Holders

SUBPART F: OWNER-USER QUALITY CONTROL REQUIREMENTS

- Section 120.1300
 - 120.1301
 - 120.1305
 - 120.1310
 - 120.1320
 - 120.1325
 - 120.1330
 - 120.1335
 - 120.1340
 - 120.1345
 - 120.1350
 - 120.1355
 - 120.1360
- Introduction
 - Authority and Responsibility
 - Organization
 - Inservice Inspection Program
 - Drawings, Design Calculations, and Specification Control
 - Material Control
 - Examination and Inspection Program
 - Correction of Nonconformities
 - Welding
 - Nondestructive Examination
 - Calibration of Measurement and Test Equipment
 - Records
 - Inspectors

- APPENDIX A Examples of Repairs and Alterations (Repealed)
- APPENDIX B Record of Welded Repair (Repealed)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] (see PA 87-1169) and authorized by Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2 and 2.1].

SOURCE: Boiler and Pressure Vessel Safety Act Rules and Regulations adopted at 4 Ill. Reg. 7, p. 126, effective January 31, 1980; codified at 5 Ill. Reg. 10677; amended at 7 Ill. Reg. 6925, effective July 1, 1983; amended at 10 Ill. Reg. 9510, effective July 1, 1985; amended at 11 Ill. Reg. 16587, effective January 1, 1988; amended at 16 Ill. Reg. 6808, effective July 1, 1992; amended

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

and qualifications, and shall be accompanied by the report of external inspection.

d) Unsafe Boilers or Pressure Vessels. Any boiler or pressure vessel having been inspected and declared unsafe by an inspector shall have the Inspection Certificate suspended.

e) Factors of Safety for Existing Installations. An inspector shall increase the factors of safety if the condition of a boiler or pressure vessel warrants it. If the owner or user does not concur with the inspector's decision, the owner or user may appeal to the Board.

f) Frequency of Inspection of Boilers and Pressure Vessels.

1) Power boilers and high pressure, high temperature water boilers shall receive a certificate inspection annually, which shall be an internal inspection where conditions permit. Such boilers shall also be inspected externally annually while under representative operating conditions, if possible.

2) Low pressure steam and hot water heating boilers and hot water supply boilers shall be inspected both internally and externally ~~biennially~~ every two years where conditions permit and shall receive a certificate inspection ~~biennially~~ every two years.

3) Inspection of the flame safeguard equipment shall be in conjunction with the regular inspections of boilers.

4) Pressure vessels subject to internal corrosion shall receive a certificate inspection ~~triennially~~ every three years. This inspection shall be external and internal where conditions permit. However, owner users qualified in accordance with Section 15 of the Act shall have the option of using API-510 or the N.B.I.C. for inspection intervals.

5) Pressure vessels not subject to internal corrosion shall receive a certificate inspection ~~triennially~~ every three years. However, owner users qualified in accordance with Section 15 of the Act shall have the option of using API-510 or the N.B.I.C. for inspection intervals.

g) Inspection and Inspection Certificate Fees.

1) If a boiler or pressure vessel shall upon inspection be found to be suitable and to conform to these Rules, the owner or user shall pay the fees provided in the Act for each boiler and pressure vessel inspected before an Inspection Certificate shall be issued.

2) If the owner or user of each boiler or pressure vessel required to be inspected refuses or fails to allow an inspection to be made or refuses or fails to pay the appropriate fee(s), the Inspection Certificate shall be suspended by the Chief Inspector until the owner or user complies with the requirements.

3) The owner or user who causes a boiler or pressure vessel to be operated without a valid Inspection Certificate shall be subject to the penalty as provided in the Act.

h) Inspectors to Have no Other Interests. It is prohibited for any employee of the Division of Boiler and Pressure Vessel Safety to

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

accept any compensation or emuneration from any source for acting as a Consultant, Engineer, Safety Engineer, Safety Specialist, etc., or under any other title. Employees of this Division shall not be engaged in the sale of any article or device that is related to boilers or pressure vessels and shall devote their full time to inspection work.

i) Installing Used or Second-hand Boilers or Pressure Vessels. A certificate inspection shall be made of all used or second-hand boilers or pressure vessels prior to operation in this State. In a case where a boiler or pressure vessel is moved and reinstalled, the fittings and appurtenances shall be upgraded to comply with the Rules for new installations.

j) Inspectors to Notify Chief Inspector of defective boilers and pressure vessels. If an inspector finds that the boiler or pressure vessel or any of the appurtenances are in an unsafe condition the inspector shall immediately notify the Chief Inspector and submit a report of the defects.

k) Insurance Agencies to Notify the Chief Inspector of New, Cancelled or Suspended Risks. All Insurance Agencies shall notify the Chief Inspector within 30 days of all boiler or pressure vessel risks written, cancelled, not renewed or suspended in Illinois because of unsafe conditions.

l) Manufacturers Data Reports to Be Filed. Effective January 1, 1974, Manufacturers Data Reports on boilers and as amended December 31, 1976, for pressure vessels, which are to be installed in the State of Illinois (unless otherwise exempted by this Part) shall be filed with the Chief Inspector through the National Board. It is intended that each boiler and pressure vessel so filed should be assigned a National Board number.

m) Boilers and Pressure Vessels without ASME Stamping. If the boiler or pressure vessel does not bear the ASME stamping, then the drawings, data and material showing all details of construction shall be submitted to the Chief Inspector and his approval obtained before installation in this State. The Chief Inspector shall grant his approval if the construction, materials and inspection requirements meet the Rules except for ASME stamping.

n) Notification of Inspection. The owner or user shall prepare each boiler or pressure vessel for internal inspection and shall prepare for and apply a hydrostatic test whenever necessary, on the date specified by an inspector, which date shall be not less than 7 days after the date of notification.

o) Owner to Notify Chief Inspector in Case of Accident. Any owner or operator, which includes any person, firm, partnership, corporation, or governmental entity, that knowingly fails to notify the Chief Inspector within 24 hours, or on the next business day, of an accident, explosion, event, or incident that serves to render a boiler or pressure vessel inoperative because of damage or failure or that involves any bodily injury or death to any person is guilty of a Class B misdemeanor, if a natural person, or a business offense punishable

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

by a fine of not less than \$501 and not more than \$10,000, if a corporation or governmental entity.

p) Penalties. Any person, firm, partnership or corporation violating any of the provisions of this Part shall be subject to the penalties provided in the Boiler and Pressure Vessel Safety Act.

q) Registration of Boilers and Pressure Vessels. All owners or users of boilers and pressure vessels subject to the Act now in use or installed ready for use in the State of Illinois shall notify the Chief Inspector in writing giving the location, type, capacity, age and date of installation.

r) Removal of Safety Appliances.

1) No person, except under the direction of an inspector, shall attempt to remove or shall do any work upon safety appliances required by this Part while a boiler or pressure vessel is in operation. Should any of these appliances be repaired during an outage of a boiler or pressure vessel, they must be reinstalled and in proper working order before the object is again placed in service.

2) No person shall in any manner load the safety valve or valves to maintain a working pressure in excess of that stated on the Inspection Certificate.

s) Stamping of Boilers and Pressure Vessels. Each boiler or pressure vessel subject to the Act shall be identified by a serial number of the State of Illinois. The number will be assigned by the Chief Inspector and applied by the inspector to the boiler or pressure vessel by the inspector at the time of inspection. Also, the Code required stamping shall be kept free of paint and lagging so that it will be plainly visible and easily read by the inspectors.

t) Submission of Inspection Reports. Inspection Reports to be submitted by Special Inspectors:

1) Inspection Reports shall be submitted within 30 days from the date of inspection.

2) All inspection reports shall be complete completed with all pertinent information as required including the county and zip code in which the object is located; location and actual conditions observed.

3) Validity of Inspection Certificate. No Inspection Certificate issued for a boiler or pressure vessel inspected by a Special Inspector shall be valid after the boiler or pressure vessel for which it was issued shall cease to be insured by a duly authorized insurance company. The Chief Inspector may at any time suspend an Inspection Certificate when the boiler or pressure vessel for which it was issued may not continue to be operated without menace to public safety, or when the boiler or pressure vessel is found not to comply with these Rules. A Special Inspector shall have authority to request suspension of an Inspection Certificate for boilers or pressure vessels insured by the employing company. Such suspension of an Inspection

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Certificate shall continue in effect until such boiler or pressure vessel shall have been made to conform to this Part.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 120.10 Inspectors, Examinations, Certificate of Competency and Commission.

a) Examinations.

1) Examinations for Certificate of Competency and Commission as an Inspector of Boilers and Pressure Vessels shall be held the first Wednesday of the months of March, June, September and December. Special examinations will be held when considered necessary by the Board.

2) Applicants for examination for a Special Inspector shall have 3 years experience in the construction, maintenance, repair or operation of high pressure boilers and pressure vessels. A credit of 2 years of the required experience will be given to applicants holding a Mechanical Engineering degree from a college of engineering and one year's credit will be given for all other types of engineering degrees.

3) Application for examination for Certificate of Competency and Commission shall be written upon a form to be furnished by the Office of the State Fire Marshal stating the educational background of the applicant, a list of employers, period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected. If the applicant's education and experience meet the requirements of the Board, the applicant shall be given the written examination dealing with the construction, installation, operation, maintenance and repair of boilers, pressure vessels and their appurtenances. If the applicant is successful in meeting the requirements of the Board, a Certificate of Competency and Commission will be issued by the Office of the State Fire Marshal. An applicant who fails to pass the examination will be permitted to take another written examination.

b) Special Inspector Trainee.

1) Applicants for Special Inspector Trainee authorization, which will permit on-the-job training, must possess one of the following education and experience qualifications:

A) A Bachelor's Degree in Engineering from an accredited college or university (deemed to be the equivalent of two years experience in design, construction, in charge of operation or inspection of high pressure boilers and pressure vessels); or

B) An Associate Degree in Mechanical Technology plus one year

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

provided in the Act.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 120.205 Pressure Vessel Exemptions

The following pressure vessels shall be exempt from registration and inspection as required by these Rules.

- a) Pressure vessels exempt pursuant to Section 5 of the Boiler and Pressure Vessel Safety Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 3206, as amended by (see PA 87-1169) [430 ILCS 75/5, as amended by see PA 87-1169].
- b) Containers for liquefied petroleum gas that do not exceed a volume of 27000 gallons water capacity except when used for dispensing to other containers or fuel tanks.
- cb) Pressure vessels operated at a pressure not exceeding 15 psig with no limitations on size.
- dc) Pressure vessels that do not exceed:
 - 1) A volume of 15 cubic feet and 250 psig when not located in a place of public assembly.
 - 2) A volume of 5 cubic feet and 250 psig when located in a place of public assembly.
 - 3) A volume of 1-1/2 cubic feet or an inside diameter of 6 inches with no limitation on pressure.
- ed) Those classes of vessels not within the scope of ASME Code Section VIII, Division 1 as defined in the introduction under paragraph U-1.
- fe) Water conditioning equipment used for the removal of minerals, chemicals or organic or inorganic particulates from water by means other than application of heat; e.g., water softeners, water filters, dealkalizers and demineralizers.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 120.600 Existing Installation of Pressure Vessels

Maximum Allowable Working Pressure for Standard Pressure Vessels. The maximum allowable working pressure for standard pressure vessels shall be determined in accordance with the applicable provisions of the ASME Code under which they were constructed and stamped.

- a) Maximum Allowable Working Pressure for Nonstandard Pressure Vessels.
 - 1) For Internal Pressure. The maximum allowable working pressure on the shell of a nonstandard pressure vessel shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course and the factor of safety set by this Part.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

of actual experience in design, construction, in charge of operation or inspection of high pressure boilers and pressure vessels; or

- C) A high school diploma or General Equivalency Degree plus two years of practical experience in the construction, installation, repair, operation, maintenance or inspection of high pressure boilers and pressure vessels.
- 2) Such applicants must have taken and received a passing grade (70%) upon that examination administered by the Board to applicants for National Board Commissions commencing the first Wednesday of March, June, September and December of each year.
- 3) The Office of the State Fire Marshal shall issue an authorization as a Special Inspector Trainee upon the applicant meeting the criteria above.
- 4) The Special Inspector Trainee authorization issued by the Office of the State Fire Marshal shall be valid for a period not to exceed fifteen months, shall be nonrenewable, and may be utilized by the holder only while in the continuous employ of the Authorized Inspection Agency by whom the Inspector Trainee is employed at the time of application and then only when all field inspection work so performed is performed while accompanied by an inspector for such Authorized Inspection Agency employer during the first ninety (90) days of such work and while remaining under the supervision of such an employer's inspector for the following year. Further, if the Authorized Inspection Agency is an insurance company, the Special Inspector Trainee may perform field inspection work only upon objects currently covered by insurance issued thereby.
- 5) Upon completion of one year of experience as a Special Inspector Trainee while in the continuous employ of an Authorized Inspection Agency, the holder of a valid authorization, through such employer(s), may apply to the Office of the State Fire Marshal for the Certificate of Competency.

c) Commissions.

- 1) A Commission as ~~a Special~~ an Inspector and an identifying commission card shall be issued by the State Fire Marshal as provided in the Act.
- 2) Commissions issued to inspectors in the employ of insurance companies or of self-insurers shall be held at the Office of the employing company. The Commission and the identifying commission card shall be returned to the Chief Inspector when suspended or revoked or the inspector to whom the Commission was issued is no longer ~~in its employ~~ employed by the insurance company or self insurer.
- 3) A Commission issued to ~~a Special~~ an Inspector may be suspended or revoked by the State Fire Marshal as provided in the Act.
- 4) Reciprocal Commissions. A Reciprocal Commission as a Special Inspector ~~shall~~ may be issued by the State Fire Marshal as

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED AMENDMENT

TS x t x E/(R x FS) = Maximum Allowable Working Pressure, PSIG
Where:
TS = ultimate tensile strength of shell plate, psi. When the tensile strength of steel plate is not known, it shall be taken as 55,000 psi for temperature not exceeding 650F.
t = minimum thickness of shell plate of weakest course, inches.
E = efficiency of longitudinal joint, depending upon construction. Use the following values:

For Fusion-Welded and Brazed Joints:	
Single lap welded40
Double lap welded60
Single butt welded60
Double butt welded75
Forge welded70
Brazed steel80

For riveted joints -- calculate riveted joint efficiency in accordance with rules given in Section I, Part PR, of the 1971 ASME Code.

R = inside radius for weakest course of shell, inches, provided the thickness does not exceed 10 percent of the radius. If the thickness is over 10 percent of the radius, the outer radius shall be used.

FS = factor of safety permitted shall be a minimum of 5.0.

- 2) For External Pressure. The maximum allowable working pressure for cylindrical nonstandard pressure vessels subjected to external or collapsing pressure shall be determined by the Rules in Par. UG-27 and UG-28 of Section VIII of the ASME Code.
- 3) Factors of Safety. The minimum factor of safety may be increased when deemed necessary by the Inspector to assure the operation of the vessel within safe limits. The condition of the vessel and the particular service to which it is subject will be determining factors.
- 4) End Closures. The maximum allowable working pressure permitted for formed heads under pressure shall be determined by using the appropriate formulas from Par. UG-32, UG-33, or UG-35 of Section VIII, ASME Code and the tensile strength and factors of safety given above.

b) Containers for Bituftified-Petroleum-Gas--not--otherwise--exempt--(see Section--120-205)--shall--be--equipped--with--ASME--Code--stamped

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED AMENDMENT

spring-loaded-safety-relief-valves-and-the-start-to-discharge--setting of--such--safety-relief-valves--with--relation--to--the--design--pressure--of the container--shall--be--in--accordance--with--the--following--table:

Construction-Code	Safety-Relief-Valve-Settings
	Minimum Maximum
All-ASME-Codes-prior-to-the-1949-Edition--and-the-1949-Edittion--paragraphs-U-68-and-U-69	110% 125%
ASME-Code--1949-Edition--Paragraphs-U-200-and-U-201--and--all-ASME-Codes--later--than 1949	100% 100%

eb) Repairs and Renewals of Fittings and Appurtenances. Whenever repairs are made to fittings and appurtenances or it becomes necessary to replace them, the work must comply with the requirements for new installations.

dc) Conditions Not Covered by This Part. All cases not specifically covered by this Part shall be treated as new installations. Existing standard and non-standard pressure vessels shall be governed by current ASME/National Board Inspection Code requirements or the requirement of the ASME Codes in effect at the time of construction. Questions concerning existing non-standard pressure vessels may be referred to the Chief Inspector. Appeal of a decision of the Chief Inspector may be made to the Board.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 120.1041 Repair and Alteration Requirements

- a) Repairs. Except as permitted for owners-users in Section 120.1000(b), no repair to a boiler or pressure vessel shall be initiated without the authorization of the Inspector who shall be satisfied that the welding procedures and welders are qualified and that the repair methods are acceptable. The Inspector may give prior approval for repairs of a routine nature. In every case, however, the Inspector shall be advised of each repair under such prior agreement.
- b) Alterations. Except as permitted for owner-users in Section 120.1000(b), alterations to boilers and pressure vessels shall be performed by an organization in possession of a National Board "R" Certificate of Authorization, provided the alterations are within the scope of such authorization. No alteration to a boiler or pressure vessel shall be initiated without the authorization of the Inspector who shall be satisfied that the alteration methods and calculations

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

are acceptable. If the Inspector considers it necessary, the Inspector shall make an inspection of the object before granting such authorization.

c) Acceptance of Repairs and Alterations. Provided that repairs or alterations are acceptable to the Authorized Inspection Agency responsible for the boiler or pressure vessel, acceptance of repairs and alterations may be made by an Inspector employed by any of the following:

1) Illinois Division of Boiler and Pressure Vessel Safety.
2) The Inspection Agency of record of the organization making the repair or alteration.

3) The Authorized Inspection Agency, provided the work was not performed by the Agency employing the Inspector, except as provided in Section 120.104(e) of this Part.

d) Acceptance Inspection. It shall be the responsibility of the organization making the repair or alteration to coordinate the acceptance inspection of the repair or alteration. Except for repairs of a routine nature, a completed record of welding repairs shall be submitted to the Division by those organizations authorized under Section 120.1000(c)(2). Organizations in possession of National Board "R" Stamp shall submit the completed Form R-1.

e) Owner-User Acceptance Inspection of Repairs. An Owner-User Inspector may perform acceptance inspections of repairs and alterations to boilers and pressure vessels when such repairs and alterations have been performed by the Inspector's employer, provided the repair organization and inspection procedures have the Division's specific approval. Such acceptance inspection procedures shall be subject to the concurrence of the Authorized Inspection Agency responsible for the boiler or pressure vessel.

f) Replacement Pressure Parts. In general, replacement pressure parts may be classified as follows:

1) Replacement parts subject to internal or external pressure that consist of materials which may be formed or assembled to the required shape by bending, forging or other forming methods, but on which no shop fabrication welding is performed may be supplied as material. Material and part identification shall be supplied in the form of bills of material and drawings with ASME Code compliance.

2) Replacement parts subject to internal or external pressure that are fabricated preassembled by welding, but on which shop inspection is not required by the ASME Code, shall have the welding performed in accordance with Section IX and other applicable Sections of the ASME Code. The replacement part assembly identification shall be supplied in the form of bills of material and drawings. The supplier or manufacturer shall certify that the material, design and fabrication are in accordance with the applicable Section of the ASME Code.

3) Replacement parts subject to internal or external pressure

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

fabricated by welding which require shop inspection by an Authorized Inspector shall be fabricated by a manufacturer having an ASME Certificate of Authorization and the appropriate Code Symbol Stamp. A Manufacturer's Partial Data Report shall be supplied by the manufacturer.

g) Pressure Tests

1) Repairs. The Inspector may require a pressure test after the completion of a repair to a boiler or pressure vessel when in the Inspector's judgment one should be conducted.

2) Alterations. A pressure test in accordance with the National Board Inspection Code shall be applied to the boiler or pressure vessel on the completion of an alteration.

h) Repair Methods. Repair methods in this Section shall be used in conjunction with the general requirements in Section 120.1000(b) of this Part.

i) Defect Repairs

1) General. A repair of a defect, such as a crack in a welded joint or base material, shall not be made until the defect has been removed. A suitable nondestructive method shall be used to assure its complete removal. If the defect penetrates the full thickness of the material, the repair shall be made with a complete penetration weld such as double butt weld or a single butt weld with or without backing. Before repairing a cracked area, care shall be taken to investigate its cause and to determine its extent.

2) Unstayed Boiler Furnace Cracks. Cracks at the knuckle or at the turn of the flange of the furnace opening require immediate replacement of the affected area or specific approval of repairs by the Authorized Inspection Agency.

3) Rivet or Staybolt Hole Cracks. Cracks radiating from rivet or staybolt holes may be repaired if the plate is not seriously damaged. If the plate is seriously damaged, it shall be replaced.

4) Minor Defects. Minor cracks, isolated pits, and small plate imperfections shall be examined to determine the extent of the defect and whether welding is required. When welding is required, these defects shall be prepared for welding by removing to solid metal. Liquid penetrant or magnetic particle examination may be used before and/or after welding.

5) Defective Bolting. Defective bolting material shall not be repaired but shall be replaced with suitable material which meets the specifications of the applicable Section of the ASME Code.

j) Wasted Areas

1) Shells, Drums, Headers. Wasted areas in stayed and unstayed shells, drums and headers may be built up by welding provided that in the judgment of the Inspector the strength of the structure will not be impaired. Where extensive weld build-up is employed, the Inspector may require an appropriate method of NDE

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- (nondestructive examination) for the complete surface of the repair. For repairs of minor defects see Section 120.1041(i)(4) of this Part.
- 2) Access Openings. Wasted areas around access openings may be built up by welding or they may be repaired. In boilers, the area to be so repaired shall not be closer than 2 inches (50.8mm) from any knuckle.
 - 3) Flanges. Wasted flange faces may be cleaned thoroughly and built up with weld metal. They should be machined in place if possible to a thickness not less than that of the original flange or that required by calculations in accordance with the provisions of the applicable Section of the ASME Code. Wasted flanges may also be remachined in place without building up with weld metal provided the metal removed in the process does not reduce the thickness of the flange to a measurement below that calculated above. Flanges which leak because of warpage or distortion and which cannot be remachined shall be replaced with new flanges which have at least the dimensions conforming to the applicable Section of the ASME Code.
 - 4) Tubes. Wasted areas on tubes may be repaired by welding provided that in the judgment of the Inspector the strength of the tube will not be impaired.
 - 5) Corrosion, Grooving.
 - A) Localized corrosion that produced a groove, especially along or immediately adjacent to a joint, could be more serious than a similar amount of corrosion on solid plate away from the joint. Grooving and cracks along longitudinal joints are especially significant as they are likely to occur where the material is more highly stressed. Severe corrosion is likely to occur at points where the circulation of the corrosive fluid is poor; such places shall be examined most carefully.
 - B) For the purposes of estimating the effect of corrosion or other defects upon the strength of a shell, comparison shall be made with the efficiency of the longitudinal joint of the boiler or pressure vessel, the strength of which is always less than that of a solid sheet.
 - C) All flanging shall be inspected thoroughly, particularly the flanges of heads that are not stayed. Internal grooving in the fillets of such heads and external grooving in the outer surfaces of heads concave to pressure are very common since there is a slight movement in heads of this character which produces this kind of defect. Some types of boilers or pressure vessels have the ogee or reversed-flange construction in a few of their parts that may be inaccessible to the eye, but the conditions shall be determined by the insertion of a borescope, fiber optics or a mirror which, at a proper angle, will reflect back to the

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- eye the condition of such a part.
- D) On new vessels and on vessels for which service conditions are being changed, one of the following methods shall be employed to determine the probable rate of corrosion from which the remaining wall thickness at the time of the next inspection can be estimated:
 - i) The corrosion rate as established by accurate data collected by the owner or user on vessels in the same or similar service.
 - ii) If accurate data for the same or similar service are not available, the probable corrosion rate as estimated from the Inspector's knowledge and experience on vessels in similar service.
 - iii) If the probable corrosion rate cannot be determined by either of the above mentioned methods, thickness determinations shall be made after approximately 1000 hours of service, or one normal run if longer than this; subsequent sets of thickness measurements shall be taken after additional similar intervals until the corrosion rate is determined by this method; the corrosion data indicated by the first inspection may be used as a first approximation of the corrosion rate but shall be excluded from all subsequent computations of the corrosion rate, since attack on the initial surfaces may not be indicative of subsequent attack on corroded surfaces.
 - E) Seal Welding
 - 1) Seal Welding of Tubes. Tubes may be seal welded provided the ends of the tubes have sufficient wall thickness to prevent burn through and the requirements of the appropriate Sections of the ASME Code are satisfied.
 - 2) Seal Welding of Riveted Joints. Edges of butt straps, plate laps and nozzles, or of connections attached by riveting may be restored to original dimensions by welding. Seal welding of riveted joints, butt straps or rivets shall require the approval of the Authorized Inspection Agency.
 - 3) Re-Ending or Piecing Pipes and Tubes. Re-ending or piecing pipes and tubes is permitted provided the thickness of the remaining tube or pipe is not less than 90 percent of that required by the applicable Section of the ASME Code.
 - Patches
 - 1) Flush Patches. The weld around a flush patch shall be a full penetration weld and the accessible surfaces shall be ground flush where required by the applicable Section of the ASME Code. Flush welded patches shall be subjected to an appropriate nondestructive examination which shall be consistent with the original construction requirements.
 - 2) Tube Patches. In some situations it is necessary to weld a flush

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- patch on a tube, such as when replacing tube sections and accessibility around the complete circumference of the tube is restricted or when it is necessary to repair a small bulge. This is referred to as a window patch.
- 3) Stays. Threaded stays may be replaced by welded-in stays provided that, in the judgment of the Inspector, the plate adjacent to the staybolt has not been materially weakened by deterioration or wasting away. All requirements of the applicable Section of the ASME Code governing welded-in stays shall be met.
- n) Alteration Methods. Alteration methods shall comply with the general requirements of Section 120.1000(b) of this Part.
- o) Replacement Drums and Shells. Major replacement of pressure parts, including drums and shells, which are fabricated by welding and for which a Manufacturer's Data Report is required by the applicable Code Section shall be fabricated by a manufacturer having an ASME Certificate of Authorization and the appropriate Code Symbol Stamp. The item shall be inspected, stamped with the applicable Code Symbol and the word "PART", and reported on the appropriate Manufacturer's Partial Data Report.
- p) Replaced Stamping. When a repair or alteration requires removal of that part of a boiler or pressure vessel containing the Code Stamping, the Inspector shall, subject to the approval of the jurisdiction, witness the making of a facsimile of stamping, the obliteration of the old stamping and the transfer of the stamping to the new part. When the stamping is on a nameplate, the Inspector is to witness the transfer of the nameplate to the new part. The Code Symbol is not to be restamped.
- q) Rerating of a Boiler or Pressure Vessel. Rerating of a boiler or pressure vessel by increasing the maximum allowable working pressure (internal or external) or temperature, or decreasing the minimum temperature such that additional mechanical tests are required, shall be considered an alteration and shall be done only after the following requirements have all been met to the satisfaction of the Authorized Inspection Agency:
- 1) Revised calculations verifying the new service conditions shall be required from the original manufacturer for review and acceptance by the Authorized Inspection Agency. When such calculations cannot be obtained from this source, they may be prepared by an Engineer and forwarded for review and acceptance by the Authorized Inspection Agency.
 - 2) All reratings shall be established in accordance with the requirements of the Code to which the boiler or pressure vessel was built or by computation using the appropriate formulas in the latest edition of the ASME Code if all essential details are definitely known to comply with the edition of the Code to which the object was built.
 - 3) Current inspection records verify that the boiler or pressure

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- vessel is satisfactory for the proposed service conditions.
- 4) The boiler or pressure vessel has been pressure tested for the rerated condition as required by Section 120.1041(g)(2).
- r) Suggestions
- 1) The Inspector should be well informed of the natural and neglectful causes of defects and deterioration of boilers and pressure vessels. The Inspector should be conscientious and extremely careful in observing, taking sufficient time to make the examinations thorough in every way, taking no one's statement as final as to conditions not personally observed, and, in the event of inability to make thorough inspections, the Inspector should note it in the report and not accept the statements of others.
 - 2) The Inspector shall make a general observation of the conditions of the boiler room and apparatus, as well as of the attendants, as a guide in forming an opinion of the general care of the equipment.
 - 3) The Inspector shall weigh very carefully the condition of any defects in order to determine their relation to, or influence upon, the safety of the inspected boiler or pressure vessel. The Inspector shall question responsible employees as to the history of old boilers or pressure vessels, their peculiarities and behavior; ascertain what, if any, repairs have been made; ascertain the character of repairs; and investigate and determine whether repairs were made properly and safely.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Storage, Transportation, Sale and Use of Liquefied Petroleum Gases

- 2) Code Citation: 41 Ill. Adm. Code 200

3) Section Numbers: Proposed Action:

200.5	Amendment
200.10	Amendment
200.20	Amendment
200.30	Amendment
200.40	Amendment
200.60	Amendment
200.70	Amendment
200.100	Amendment
200.120	Repealed
200.160	Repealed
200.170	Repealed
200.180	Repealed
200.200	Repealed
200.230	Repealed
200.240	Repealed
200.250	Repealed
200.260	Repealed
200.270	Repealed
200.280	Repealed
200.290	Repealed
200.300	Repealed
200.310	Repealed
200.320	Repealed
200.330	Repealed
200.340	Amendment

- 4) Statutory Authority: Authorized, by and implementing Section 3 of the Gas Storage Act [220 ILCS 15/3].

- 5) A Complete Description of the Subjects and Issues Involved: These amendments are necessary to bring the rules into compliance with more recent standards that are already being used by the industry.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this rulemaking contain incorporations by reference? No.

- 9) Are there any other proposed rulemakings pending on this part? No.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate.

- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: The Office will accept written comments for a period of 45 days after the date of this publication. The written comments should be directed to:

John J. Pavlou, General Counsel
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4259
(217)785-1163

12) Initial Regulatory Flexibility Analysis:

- A) Date the rule submitted to the Small Business Office of the Department of Commerce and Community Affairs: February 24, 1995

- B) Type of Small Businesses and Municipalities Affected: Suppliers and users of propane gas.

- C) Reporting, bookkeeping or other procedure required for compliance: New requirements for training of persons supplying LP gas will require records of training.

- D) Type of Professional Skills necessary for Compliance: No new skills are believed necessary for compliance over and above those already established.

- 13) State reasons for this rulemaking if it was not included in either of the two most recent Regulatory Agendas: This rulemaking has been proposed earlier and is revised to take the comments into account.

The full text of the Proposed Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHAL

PART 200
STORAGE, TRANSPORTATION, SALE, AND USE
OF LIQUEFIED PETROLEUM GAS

- Section
200.5 Introduction
200.10 Storage and Handling of Liquefied Petroleum Gases
200.20 Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants
200.30 Rules For Installation of Gas Appliances And Gas Piping
200.40 Storage and Handling of Liquefied Petroleum Gas ~~at--Marine--and Pipeline--terminals--etc.~~
200.50 Installations Must Be In Compliance
200.60 Submittal Of Plans
200.70 Applications, Plans and Blueprints Must Be Filed in Triplicate -- What Applications and Drawings Must Show
200.80 Operation of Installation Prohibited Until Final Inspection and Approval
200.90 No Supplier Shall Service Any Installation Not In Compliance With Law
200.100 Personnel Must Be Properly Trained
200.110 No Self Service Permitted
200.120 Interstate Commerce Commission or Department of Transportation Containers ~~(Repealed)~~
200.160 Cylinder System Installations (Bottled Gas) ~~(Repealed)~~
200.170 Minimum Safety Requirements for Manifolding American Society of Mechanical Engineers Containers ~~(Repealed)~~
200.180 Location of Containers ~~(Repealed)~~
200.190 Abandoned Tanks
200.200 Marking of Tank Trucks and Trailers ~~(Repealed)~~
200.210 Lighting Requirements on Trucks and Trailers ~~(Repealed)~~
200.230 Drivers of Trucks and Trailers Must Be Properly Trained ~~(Repealed)~~
200.240 When Tank Truck May Not Be Left Unattended ~~(Repealed)~~
200.250 Tank Trucks and Tractors Must Be In Good Repair ~~(Repealed)~~
200.260 Parking in Congested Areas Prohibited ~~(Repealed)~~
200.270 Travel In Heavy Traffic Districts To Be Avoided ~~(Repealed)~~
200.280 Gear Shift Requirements for Loaded Tank Trucks ~~(Repealed)~~
200.290 Semi-Trailers Loading and Unloading ~~(Repealed)~~
200.300 Fire Extinguisher Requirements ~~(Repealed)~~
200.310 Excess Flow Valves Not to Be Tampered With ~~(Repealed)~~
200.320 When Transportation and Sale Prohibited ~~(Repealed)~~
200.330 Containers To Be Transported In Upright Position ~~(Repealed)~~
200.340 Fireworks Prohibited
200.350 Additional Safety Measures Authorized

AUTHORITY: Authorized by and implementing Section 3 of the Gas Storage Act

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

(Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5603) [220 ILCS 15/3].

SOURCE: Rules for the Storage, Transportation, Sale and Use of Liquefied Petroleum Gases, filed October 15, 1971; codified at 5 Ill. Reg. 10697; amended at 8 Ill. Reg. 2467, effective June 1, 1984; amended at 19 Ill. Reg. _____, effective _____.

Section 200.5 Introduction

Pursuant to the authority conferred upon the Office of the State Fire Marshal by Section 3 of the Gas Storage Act ~~An--Act--to--regulate--the--storage--transportation--sale--and--use--of--liquefied--petroleum--gases--approved--July--11--1957~~ (Ill. Rev. Stat. 1979 1991, ch. 96 1/2, par. 5603) [220 ILCS 15/3] the following rules and regulations in relation to the storage, transportation, sale and use of liquefied petroleum gases are hereby adopted.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 200.10 Storage and Handling of Liquefied Petroleum Gases

Standards for the Storage and Handling of Liquefied Petroleum Gases as contained in the 1993 1992 Edition of Standard NFPA No. 58 by the National Fire Protection Association are mandatory.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 200.20 Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants

Standards for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants as published in the 1979 1992 Edition of Standard NFPA No. 59 by the National Fire Protection Association are mandatory.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 200.30 Rules For Installation of Gas Appliances And Gas Piping

Standards for the Installation of Gas Appliances and Gas Piping as in the 1980 1992 Edition of Standard NFPA No. 54 by the National Fire Protection Association (National Fuel Gas Code) are mandatory. Standard for Recreational Vehicles as published in the 1977 1990 Edition of Standard NFPA No. 501c by the National Fire Protection Association are mandatory.

(Source: ~~Amended~~ at 19 Ill. Reg. _____, effective _____.)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

c) Whether or not the surrounding area is congested or heavily populated.

d) Fencing and enclosures.

1) At fixed installations utilizing storage containers of over 2,000 gallons individual water capacity or when the aggregate water capacity exceeds 4,000 gallons and at locations where containers are filled, the facilities shall be protected against tampering enclosed with a protective fence, as specified in NFPA 58 (1993see 41 Ill. Adm. Code 200.10) Section 3-3-6-1-a. Facilities existing on January 1, 1984 shall comply with these rules or prior rules. Where these facilities are located at an establishment completely enclosed by fencing equivalent to that hereinafter set forth, an additional enclosure for facilities within the establishment shall not be required, except that such container facilities shall be enclosed or encircled by a guard rail, or by posts six (6) inches or more in diameter set in firm ground to a depth of at least twenty-four (24) inches and rising aboveground to a height of thirty (30) inches or more set at intervals of not more than six (6) feet.

2) Building walls of buildings that are part of the establishment and are so located together with adjacent fencing to enclose the facilities shall be acceptable as a portion of any necessary fencing. There shall be no gap or opening between the building wall and the adjacent fencing. Such building walls may be used as a part of such enclosure only when the same does not contain any direct means of ingress or egress from the street or other portions of the building to the storage area to be enclosed.

e) That lights conforming to NFPA 58 (1993see 41 Ill. Adm. Code 200.10) 3-3-7 will be provided to illuminate storage containers, control valves and other equipment, if loading or unloading are normally done during other than daylight hours.

f) Container filling.

1) That the container filling plant and motor fuel dispensing facilities will conform to the following:

A) The container filling or motor fuel dispensing facilities shall be located not less than:

- i) 10 ft. from bulk storage containers.
ii) 10 ft. from pumps and compressors.
iii) 25 ft. from line of adjoining property which may be built upon based on existing zoning.

distance may be reduced to 10 feet where permitted in NFPA 58 (1993see 41 Ill. Adm. Code 200.10).

B) The pumps and compressors may be located in the container filling room or separate buildings located not less than:

- i) 10 ft. from bulk storage tanks.
ii) 25 ft. from line of adjoining property which may be built upon.

iii) 25 ft. from sources of ignition based on existing zoning. However, the distance may be reduced to 10

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Section 200.40 Storage and Handling of Liquefied Petroleum Gas at Marine and Pipeline Terminals, etc.

Standards for Storage and Handling of Liquefied Petroleum Gas at Marine and Pipeline Terminals, Natural Gas Processing Plants, Refineries, and Tank Farms Petrochemical Plants published in shall comply with the 1979 1989 Edition of Standard API 2510 by the American Petroleum Institute (Design and Construction of LP-Gas Installation) at Marine and Pipeline Terminals, Natural Gas Processing Plants, Refineries and Tank Farms.

(Source: Amended at 19 Ill. Reg. , effective)

Section 200.60 Submittal Of Plans

Plans and applications for fixed installations shall be submitted to the OSFM before construction when utilizing storage containers of over 2,000 gallons individual water capacity or when the aggregate water capacity exceeds 4,000 gallons and of container filling plants regardless of tank capacity.

(Source: Amended at 19 Ill. Reg. , effective)

Section 200.70 Applications, Plans and Blueprints Must Be Filed in Triplicate -- What Applications and Drawings Must Show

Applications for approval of installations shall be made out in triplicate on blanks furnished by the Office of the State Fire Marshal (OSFM) and shall be accompanied by drawings or blueprints in triplicate made to scale. These applications, drawings, or blueprints must be approved by the OSFM before any new construction or addition or remodeling is undertaken except in cities or villages where regulatory ordinances on the subject are in force or may hereafter be adopted. Approval will be granted if all requirements as specified in Part 200 are met. Drawings or blueprints shall bear the name of the person, firm or corporation proposing the installation, the location with reference to city, village or incorporated town, and shall in addition thereto show the following:

a) The plot of ground to be utilized and its immediate surroundings on all sides, the complete layout of the tanks, the capacity of each tank, the type of tank supports, type of construction of each building and all clearances as required by NFPA Standard No. 58 (see 41 Ill. Adm. Code 200.10).

b) The location with respect to city, village or incorporated town, and shall name adjacent railroads and side tracks and shall show the clearance between tanks and closest passenger train tracks, between tracks at the point where the tank car will be placed for unloading and the nearest passenger train tracks, and between unloading docks and closest passenger train tracks.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

feet where permitted in NFPA 58 (#903see 41 Ill. Adm. Code 200.10).

- 2) Where a part of the container filling building is to be used for a boiler room, or where open flames or similar sources of ignition exist or are employed, the space to be so occupied shall be separated from container charging room by a partition wall or walls of fire resistant construction continuous from floor to roof or ceiling. Such separation walls shall be without openings and shall be joined to the floor, other walls and ceiling or roof in a manner to effect a permanent gas tight joint.
- g) That all piping, tubing and fittings will be in compliance with the appropriate standards for the intended use as specified in 41 Ill. Adm. Code Section 200.10, 41 Ill. Adm. Code Section 200.20 and 41 Ill. Adm. Code Section 200.30.
- h) That proposals for additional storage and additions, and remodeling shall show the entire installation to be in full compliance with 41 Ill. Adm. Code Section 200.10, 41 Ill. Adm. Code Section 200.20, 41 Ill. Adm. Code Section 200.30 as is appropriate for the intended use.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.100 Personnel Must be Properly Trained

Personnel performing installation, service, operation and maintenance work must be properly trained in such work. Effective January 1, 1995, all employees shall carry written certification of their job qualifications issued by a training agent identifying the functions each person is authorized to perform.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.120 Interstate Commerce Commission or Department of Transportation Containers (Repealed)

- a) Containers may be stored in the open provided they are stored within a suitable fence enclosure to prevent tampering.
- b) Containers in storage shall have valves closed even though they may be empty.
- c) Containers which require valve protecting caps, even though empty shall have such caps in place hand tight while in storage.
- d) Valves and safety devices on all containers shall be protected against accumulations of ice and snow. Protective caps shall be deemed adequate.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Section 200.160 Cylinder System Installations (Bottled Gas) (Repealed)

Containers shall be set upon firm foundation or otherwise firmly secured. The possible effect on the outlet piping of setting shall be guarded against by a flexible connection or special fitting. Regulators and low pressure relief devices shall be rigidly attached to the cylinder valves, cylinders supporting standards, the building walls or otherwise rigidly secured and shall be so installed or protected that the elements of steel, snow or ice will not affect their operation.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 200.170 Minimum Safety Requirements for Manufacturing American Society of Mechanical Engineers Containers (Repealed)

Where multiple American Society of Mechanical Engineers containers installations are joined into a single system, the manifolding shall be done in accordance with the 1969 Edition of NFPA Standard No. 58 (see 41 Ill. Adm. Code Section 200.10). Only threaded fittings shall be used to manifold containers.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 200.180 Location of Containers (Repealed)

- a) Installation of containers above ground shall be located with respect to the nearest important building or group of buildings or line of adjoining property which may be built upon in accordance with the following table:

Aggregate Water Capacity of Containers	Minimum Distance
less than 125 gallons	0
125 to 250 gallons	10 ft.
251 to 500 gallons	10 ft.
501 to 2,000 gallons	25 ft.*
2,001 to 30,000 gallons	50 ft.

- b) Minimum distances for installations of above ground containers which have aggregate capacities in excess of the above table and minimum distances between containers installed under ground and minimum distances between above ground containers shall be in accordance with the following edition of NFPA 58M-B-6: (b): *ASPNBY-NB90. The above distance requirements may be reduced to not less than 10 ft. for a single container at 1,200 gallons water capacity or less providing such container is at least 25 ft. from any other LP gas container of more than 125 gallons water capacity.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Section 200.200 Marking of Tank Trucks and Trailers (Repealed)

Every tank truck or trailer shall be marked conspicuously and legibly on each side and rear in letters at least four (4) inches high on a background of sharply contrasting color with reflectorized paint; the word "FAMMABBB" which may be followed with the common name of the gas being transported, or with the name of the carrier or his trademark, when and only when such name or mark names the cargo.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 200.230 Drivers of Trucks and Trailers Must Be Properly Trained (Repealed)

Tank trucks or trailers shall be driven by a competent person who is trained in the handling, storage, sale and use of liquefied petroleum gases.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 200.240 When Tank Truck May Not Be Left Unattended (Repealed)

The driver, operator or attendant shall not leave a tank truck unattended while it is being filled or discharged, or while it is parked on any street, highway or alley. When making deliveries, tank trucks shall be parked with the front end directed away from buildings and toward the best and least obstructed exit from the premises. While unloading, proceeds, the driver should endeavor to keep other vehicles from parking in the route of his exit. Each tank truck and trailer shall carry check blocks which shall be used to prevent rolling of the vehicle whenever it is parked, including when loading or unloading.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 200.250 Tank Trucks and Tractors Must Be In Good Repair (Repealed)

Tank trucks and tractors used with trailers or semi-trailers shall not be operated unless they are in good repair, clean and free from leaks and equipped with lights, brakes and safety devices as required by the Illinois Vehicle Code. Motors shall be stopped while making or breaking hose connections.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 200.260 Parking In Congested Areas Prohibited (Repealed)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Tank trucks shall not be parked in heavily populated or congested areas or inside public garages.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 200.270 Travel In Heavy Traffic Districts To Be Avoided (Repealed)

Except when making local deliveries, tank trucks shall, where possible, follow a route which avoids the mercantile district and any other heavy traffic districts.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 200.280 Gear Shift Requirements for Loaded Tank Trucks (Repealed)

Loaded tank trucks shall be driven down grade in the same gear that would be required to pull the truck up the grade. Coasting with gears not engaged is prohibited.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 200.290 Semi-Trailers Loading and Unloading (Repealed)

Semi-trailers used for transporting liquefied petroleum gases shall be equipped with threaded fittings to be used when loading or unloading such gases.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 200.300 Fire Extinguisher Requirements (Repealed)

Each tank truck or tank wagon shall carry an approved fire extinguisher of a type suitable for gas fires. Extinguishers of the dry chemical or carbon dioxide type are suitable. Extinguishers should have a rating of 15-B, C.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 200.310 Excess Flow Valves Not To Be Tampered With (Repealed)

Required excess flow valves shall not be tampered with in order to expedite the flow of liquefied petroleum gases.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Annual Audited Financial Report

2) Code Citation: 50 Ill. Adm. Code 925

3) Section Numbers: Proposed Action:

- 925.10 Amended
- 925.20 Amended
- 925.30 Amended
- 925.40 Amended
- 925.50 Amended
- 925.60 Amended
- 925.70 Amended
- 925.80 Amended
- 925.90 Amended
- 925.100 Amended
- 925.110 Amended
- 925.120 New
- 925.130 Renumbered, Amended
- 925.140 Amended
- 925.150 Amended

4) Statutory Authority: Implementing Sections 132.1, 136, 401, and 402 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 744.1, 748, 1013 and 1014) [215 ILCS 5/132.1, 136, 401, and 402], and Section 2007 of the Limited Health Service Organization Act (Ill. Rev. Stat. 1991, ch. 73, par. 1502-7) [215 ILCS 130/2007], and Section 2-7 of the Health Maintenance Organization Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1407) [215 ILCS 125/2-7], and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013) [215 ILCS 5/401].

5) A Complete Description of the Subjects and Issues Involved: The Department has undertaken the attached amendments largely to maintain our NAIC (National Association of Insurance Commissioners) accreditation. We are also repealing Part 601 while incorporating these standards within this administrative regulation. The Department has also clarified the intent of these regulatory provisions, and we have made minor language changes for consistency.

6) Will this proposed amendment replace emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

Section 200.320 When Transportation and Sale Prohibited (Repealed)

~~Transportation or sale of liquefied petroleum gases in containers of a capacity of sixty (60) pounds or over and not connected for use in a passenger-carrying vehicle, is prohibited.~~

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 200.330 Containers To Be Transported In Upright Position (Repealed)

~~Interstate Commerce Commission or Department of Transportation containers fitted or empty shall be transported in an upright position and security anchored to the vehicle.~~

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 200.340 Fireworks Prohibited

The sale, use, explosion or handling of fireworks including toy pistols, toy guns, toy guns, and toy pistol paper caps is prohibited on any liquefied petroleum gases bulk storage, service station, or container filling plant premises.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: These amendments will not require the Department to establish, expand or modify our activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

David Van Lieshout Denise Fuchs, Paralegal
 Assistant Chief Counsel (or) Department of Insurance
 Department of Insurance 320 West Washington
 320 West Washington Springfield, IL 62767
 Springfield, Illinois 62767 217/785-8560
 217/782-0708

12) Initial Regulatory Flexibility Analysis: The Department has determined that these amendments will not affect small businesses.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 925

ANNUAL AUDITED FINANCIAL REPORT

Section	Authority
925.10	Purpose and Scope
925.20	Definitions
925.30	Filing and Extensions for Filing of Annual Audited Financial Reports
925.40	Contents of Annual Audited Financial Report
925.50	Designation of <u>Independent-Certified-Public</u> Accountant
925.60	Qualifications of <u>Independent-Certified-Public</u> Accountant
925.70	Consolidated or Combined Audits
925.80	Scope of <u>Examination Audit</u> and Report of <u>Independent-Certified-Public</u> Accountant
925.90	Notification of Adverse Financial Condition
925.100	<u>Evaluation--of-Accounting-Procedures-and-System-of Report on Internal Control</u>
925.110	Accountant's Letter of Qualifications
925.120	<u>Examinations</u>
925.130	925.130 Definition, Availability and Maintenance of <u>GPA--Workpapers--Certified-Public-Accountant-(GPA) Accountant Workpapers</u>
925.140	<u>Application-and-Effective-Date Exemptions</u>
925.150	Severability Provision

AUTHORITY: Implementing Sections 132.1 through 132.7, 136, 401, and 402 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 744.1 through 744.7, 748, 1013, and 1014) [217 ILCS 5/132.1 through 132.7, 136, 401, and 402], and Section 2-7 of the Health Maintenance Organization Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1407) [215 ILCS 125/2-7], and Section 2007 of the Limited Health Service Organization Act (Ill. Rev. Stat. 1991, ch. 73, par. 1502-7) [215 ILCS 130/2007], and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013) [215 ILCS 5/401].

SOURCE: Filed July 9, 1975, effective July 21, 1975; codified at 7 Ill. Reg. 2359; amended at 11 Ill. Reg. 18204, effective October 26, 1987; amended at 19 Ill. Reg. _____, effective _____.

Section 925.10 Authority

This Part is promulgated by the Director of Insurance pursuant to Sections 132.1 through 132.7, 136, 401, and 402 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 744.1 through 744.7, 748, 1013, and 1014) [215 ILCS 5/132.1 through 132.7, 136, 401, and 402 and Section 2-7 of the Health Maintenance Organization Act (Ill. Rev. Stat. 1991, ch. 111 1/2,

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

par. 1407) [215 ILCS 125/2-7] and Section 2007 of the Limited Health Service Organization Act (Ill. Rev. Stat. 1991, ch. 73, par. 1502-7) [215 ILCS 130/2007].

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 925.20 Purpose and Scope

This Part shall not prohibit, preclude or in any way limit the Director of Insurance from ordering and/or conducting and/or performing examinations of insurers under his jurisdiction in the operations, practices, procedures, or other matters including financial condition and operations of such insurers. Such examinations shall be conducted as currently established and/or performed or to be established and/or performed under the Statutes of the State of Illinois, the Rules of the Illinois Department of Insurance and the practices and procedures of the Illinois Department of Insurance. The purpose of this Part is to improve the Illinois Insurance Department's Director's surveillance of the financial condition of insurers by requiring an annual examination audit by independent-certified-public accountants of the financial statements reporting the financial condition position and the results of operations of insurers. Every insurer, as defined in Section 925.30 of this Part, shall be subject to this Part except those insurers exempt under Section 925.140 of this Part.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 925.30 Definitions

"Accountant," "Certified-Public-Accountant" (CPA) and "Independent Public-Accountant" means an independent certified public accountant or independent accounting firm who has a license to practice issued by the state in which he resides or has his principal place of business in good standing with the American Institute of CPA's and all states in which they are licensed to practice. For Canadian and British companies, it means a Canadian-chartered or British-chartered accountant generally referred to hereinafter as accountant.

"Annual Audited Financial Report" means and includes those items specified in Section 925.50 of this Part.

"Director" means the Director of the Illinois Department of Insurance.

"Independent," for purposes of this Part, means an accountant who is not affiliated with an insurer.

"Insurer" for the purposes of this Part only means a domestic

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

insurance-company licensed insurer or accredited reinsurer as defined in Section 2(f), (g) and (h), and 173.1 of the Illinois Insurance Code (Ill. Rev. Stat. 1985 1991, ch. 73, par. 614(f), (g) and (h), and 785.1(B)) [215 ILCS 5/2(f), (g) and (h) and 173.1(B)] or a Health Maintenance Organization as defined in Section 1-2(9) of the Health Maintenance Organization Act (Ill. Rev. Stat. 1985 1991, ch. 111 1/2, par. 1402) [215 ILCS 125/1-2(9)] or a Limited Health Service Organization as defined in Section 1002 of the Limited Health Service Organization Act (Ill. Rev. Stat. 1991, ch. 73, par. 1501-2) [215 ILCS 130/1002].

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 925.40 Filing and Extensions for Filing of Annual Audited Financial Reports

a) All insurers shall have an annual audit performed by an accountant and shall file an Annual Audited Financial Report on or before June 17 for the year ended December 31 immediately preceding. The Director may require an insurer to file an Annual Audited Financial Report earlier than June 1 with ninety (90) days advance notice to the insurer.

b) Extensions of the June 1 filing date may be granted by the Director for thirty day periods upon showing by the insurer and its independent-certified-public accountant the reasons for requesting such extension and determination by the Director of good cause for an extension. Examples of "good cause" include, but are not limited to, an Act of God or destruction of documents. The request for extensions extension must be submitted in writing but not less than ten (10) days prior to the due date in sufficient detail to permit the Director to make an informed decision with respect to the requested extension.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 925.50 Contents of Annual Audited Financial Report

a) The annual audited financial report Annual Audited Financial Report shall report the financial condition position of the insurer as of the end of the most recent calendar year and the results of its operations, changes-in-financial-position cash flows and changes in capital and surplus for the year then ended in conformity with statutory accounting practices for preparation of the annual statement as described in Section 136 of the Illinois Insurance Code, or Section 2-7 of the Health Maintenance Organization Act, Section 2007 of the Limited Health Service Organization Act, or as otherwise permitted, by

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Financial Report filed with the Director pursuant to Section 925.40 and shall affirm that the opinion expressed is in conformity with such requirements.

(Source: Amended at 19 Ill. Reg. , effective)

Section 925.60 Designation of Independent-Certified-Public Accountant

a) Each insurer required by this Part to file an annual-audited-financial report Annual Audited Financial Report must within sixty (60) days after becoming subject to such requirement, register with the Director in writing the name and address of the certified-public accountant or accounting-firm--generally--referred--to--in--this--Part--as--the "accountant" retained to conduct the annual audit set forth in this Part. Insurers not retaining an accountant on the effective date of this Part shall register the name and address of their retained accountant not less than six (6) months before the date when the first audited financial report is to be filed.

b) If an accountant who was not the accountant for the immediately preceding filed Annual Audited Financial Report, is engaged to audit the insurer's financial statements, the insurer shall within thirty (30) days of the date the accountant is engaged notify the Director of this event. The insurer shall obtain a letter from such the accountant, and file a copy with the Director stating that the accountant is aware of the provisions of the Illinois Insurance Code and/or Health Maintenance Organization Act and/or the Limited Health Service Organization Act and the Rules and Regulations of the Department insurance regulatory authority of the state of domicile that relate to accounting and financial matters and affirming that he they will express his their opinion on the financial statements in terms of their conformity to the statutory accounting practices prescribed or otherwise permitted by the-Department that insurance regulatory authority, specifying such exceptions as he may believe appropriate.

c) If an accountant who was not the accountant for the immediately preceding filed Annual audited--financial--report Audited Financial Report is engaged--to--audit--the--insurer's--financial--statements--the insurer--shall--within--thirty--days--of--the--date--the--accountant--is--engaged notify--the--Department--of--this--event dismissed or resigns, the insurer shall within five (5) business days notify the Director of this event. The insurer shall also furnish the Director with a separate letter within ten (10) business days of the above notification stating whether in the twenty-four (24) months preceding such engagement event there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, which disagreements, if not resolved to the satisfaction of the former accountant, would have caused him

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

the Illinois-Department-of-insurance insurance regulatory authority of the insurer's report-of--financial--condition--can--be--ascertained state of domicile.

b) The annual-audited--financial-report Annual Audited Financial Report shall include the following:

1) Report Opinion of independent-certified-public the accountant.

2) Balance sheet reporting admitted assets, liabilities, capital and surplus or net worth.

3) Statement of gain-or-loss-from operations or statement of revenue revenues and expenses and net worth.

4) Statement of changes-in-financial-position--or cash flow flows statement.

5) Statement of changes in capital and surplus or net worth.

6) Notes to financial statements. These notes shall be those required by the appropriate NAIC Annual Statement Instructions and any other notes required by generally accepted accounting principles and shall also include:

A) a reconciliation of differences, if any, between the Annual audited--statutory--financial--statements Audited Financial Report and the Annual Statement filed pursuant to Section 136 of the Illinois Insurance Code, or Section 2-7 of the Health Maintenance Organization Act, or Section 2007 of the Limited Health Service Organization Act with a written description of the nature of these differences.

B) a summary of ownership and relationships of the insurer and all affiliated companies.

7) The financial statements included in the Annual Audited Financial Report shall be prepared in a form and using language and groupings substantially the same as the relevant Sections sections of the Annual Statement of the insurer filed with the Director, and:

A) The financial statement statements shall be comparative, presenting the amounts as of December 31 of the current year and the amounts as of the immediately preceding December 31. (However, in the first year in which an insurer is required to file an Annual audited--financial--report Audited Financial Report, the comparative data may be omitted).

B) Amounts may be rounded to the nearest thousand dollars. Supplementary Data and Information. This will include any additional clarifying information or data which the Director may require to be disclosed.

9) In the case of Canadian and British insurers, the Annual Audited Financial Report shall be defined as the annual statement of total business on the form filed by such companies with their domiciliary supervision authority duly audited by an independent chartered accountant. For such insurers, the letter required by Section 925.60 of this Part shall state that the accountant is aware of the requirements relating to the Annual Audited

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

them to make reference to the subject matter of the disagreement in connection with his opinion. The disagreements required to be reported in response to this subsection include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction. Disagreements contemplated by this subsection are those that occur at the decisionmaking level, between personnel of the insurer responsible for presentation of its financial statements and personnel of the accounting firm responsible for rendering its report. The insurer shall also in writing request such former accountant to furnish it a letter addressed to the insurer stating whether the accountant agrees with the statements contained in the insurer's letter and, if not, stating the reasons for which he they does do not agree; and the insurer shall furnish such responsive letter from the former accountant to the Director together with its own.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 925.70 Qualifications of Independent-Certified-Public Accountant

- a) The Director shall not recognize any person or firm as an independent certified-public-accountant who does not meet the requirements for the definition of an accountant under Section 925.30 of this Part that is not in good standing with the American Institute of CPAs and in all states in which the accountant is licensed to practice or, for a Canadian or British company, that is not a chartered accountant.
- b) Except as otherwise provided herein, an accountant shall be recognized as qualified as long as he or she conforms to the standards of the profession, as contained in the Code of Professional Ethics of the American Institute of Certified Public Accountants and Rules and Regulations and Code of Ethics and Rules of Professional Conduct of the Illinois Board of Public Accountancy, or similar code.
- c) The requirements of this subsection shall become effective for years beginning after December 31, 1994. No partner or other person responsible for rendering a report may act in that capacity for more than seven (7) consecutive years. Following any period of service such person shall be disqualified from acting in that or a similar capacity for the same company or its insurance subsidiaries or affiliates for a period of two (2) years. An insurer may make application to the Director for relief from the above rotation requirement on the basis of unusual circumstances. The Director may consider the following factors in determining if the relief should be granted:
 - 1) Number of partners, expertise of the partners or the number of insurance clients in the currently registered firm;
 - 2) Premium volume of the insurer; or
 - 3) Number of jurisdictions in which the insurer transacts business.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- d) The Director shall not recognize as a qualified accountant, nor accept any Annual Audited Financial Report prepared in whole or in part by any natural person who:
 - 1) Has been convicted of fraud, bribery, a violation of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. Sections 1961-1968, or any dishonest conduct or practices under federal or state law;
 - 2) Has been found to have violated the insurance laws of this State with respect to any previous reports submitted under this Part; or
 - 3) Has demonstrated a pattern or practice of failing to detect or disclose material information in previous reports filed under the provisions of this Part.

b) The Director of Insurance, as provided in Section 401 of the Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013) (215 ILCS 5/401), and may as provided in Administrative Hearing Procedures (50 Ill. Adm. Code 2402) of the Rates of the Illinois Insurance Department may hold a hearing to determine whether a certified-public accountant is independent qualified and, considering the evidence presented, may rule that the accountant is not independent qualified for purposes of expressing his an opinion on the financial statements in the annual-audited-financial-report Annual Audited Financial Report made pursuant to this Part and require the insurer to replace the accountant with another whose relationship with the insurer is independent qualified within the meaning of this Part.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 925.80 Consolidated or Combined Audits

- a) The Director may upon written application permit any insurer that is a member of an insurance holding company system An insurer may make written application to the Director for approval to file audited consolidated or combined financial statements Annual Audited Financial Report in lieu of separate annual-audited-financial-statements Annual Audited Financial Reports if the Director in his discretion deems such permission reasonable and appropriate. Consolidated or combined financial statements shall be considered reasonable and appropriate if the Director determines that the audit work performed under a consolidated filing is adequate to ascertain the financial condition of the insurer. If such approval is granted, an insurer is part of a group of insurance companies which utilizes a pooling or one hundred percent reinsurance agreement that affects the solvency and integrity of the insurer's reserves and such insurer cedes all of its direct and assumed business to the pool. In such cases, a columnar consolidating or combining worksheet shall be filed with the report incorporating the following as follows:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Amounts shown on the consolidated or combined Annual Audited Financial Report shall be shown on the worksheet.
 - 2) Amounts for each insurer subject to this Section shall be stated separately.
 - 3) Noninsurance operations may be shown on the worksheet on a combined or individual basis.
 - 4) Explanations of consolidating and eliminating entries shall be included.
 - 5) A reconciliation shall be included of any differences between the amounts shown in the individual insurer columns of the worksheet and comparable amounts shown on the Annual Statements of the insurers.
- b) The Director shall require any insurer to file separate ~~annual-audited financial-statements~~ Annual Audited Financial Reports although permission had previously been given to file on a consolidated or combined basis if the Director determines the reasons and/or circumstances given for approval of the consolidated audit, pursuant to subsection (a), no longer exist.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 925.90 Scope of Examination Audit and Report of Independent-Certified Public Accountant

- a) Financial statements furnished pursuant to Section 925.50 hereof shall be examined by an ~~independent-certified-public~~ accountant. The examination of the insurer's financial statements shall be conducted in accordance with generally accepted auditing standards, and Consideration should also be given to such other procedures illustrated in the Financial Condition Examiners' Handbook promulgated by the National Association of Insurance Commissioners as the ~~independent-certified-public~~ accountant deems necessary. ~~The-Director may-from-time-to-time-prescribe-that-additional-auditing-procedures-be-observed-by-the-accountant-in-the-examination-of-the-financial-statements-of-insurers-pursuant-to-this-Rule~~ Property and casualty insurers shall require the accountant to subject the current "Schedule P - Part 1" (excluding those amounts related to bulk and IBNR reserves and claims counts) to the auditing procedures applied in the audit of the current statutory financial statements to determine whether Schedule P - Part 1 is fairly stated in all material respects in relation to the basic statutory financial statements taken as a whole. It is expected that the auditing procedures applied by the accountant to the claim loss and loss adjustment expense data from which Schedule P - Part 1 is prepared would be applied to activity that occurred in the current calendar year (e.g., tests of payments on claims for all accident years that were paid during the current calendar year).

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- c) Life, accident, and health insurers shall require the accountant to subject the information included in the "Supplemental Schedule of Assets and Liabilities" and exhibits thereof to the auditing procedure applied in the audit of the current statutory financial statements to determine whether such information is fairly stated in all material respects in relation to the basic statutory financial statements taken as a whole and agrees to the insurer's annual statement filed with the Department.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 925.100 Notification of Adverse Financial Condition

- a) The insurer required to furnish the ~~annual-audited-financial-report~~ Annual Audited Financial Report shall require the ~~independent-certified-public~~ accountant to ~~immediately-notify~~ report, in writing within five (5) business days, ~~an-officer-or~~ to the board of ~~director~~ directors ~~of-the-insurer~~ or its audit committee, of any determination by ~~that-independent-certified-public~~ the accountant that the insurer has materially misstated its financial condition as reported to the Director as of the ~~December-31-immediately-preceding~~ balance sheet date currently under examination, or of any determination that the insurer does not meet the minimum capital and surplus requirement of the Illinois Insurance Code and the net worth requirements of the Health Maintenance Organization Act and the Limited Health Service Organization Act, as of the ~~December-31-immediately-preceding~~ that date.
- b) ~~Any-officer-or-director-of-an-insurer-required-by-this-Part-to-file-an-annual-certified-financial-report-who-received-any-notification-from-the-independent-certified-public-accountant-as-required-by-this-Section-shall-within-three-business-days-report-the-existence-of-the-materially-misstated-financial-condition-as-previously-reported-to-the-Director-or-the-failure-to-meet-the-minimum-capital-and-surplus-requirements-of-the-illinois-insurance-code-or-net-worth-requirements-of-the-Health-Maintenance-Organization-Act-to-the-Director--of-insurance-through-a-written-report-to-the-Director. An insurer who has received a report pursuant to subsection (a) above shall forward a copy of the report to the Director within five (5) business days of receipt of such report and shall provide the accountant making the report with evidence of the report being furnished to the Director. If the accountant fails to receive such evidence within the required five (5) business day period, the accountant shall furnish to the Director a copy of its report within the next five (5) business days. No accountant shall be liable in any manner to any person for any statement made in connection with subsection (a) and (b) above if such statement is made in good faith in compliance with subsection (a) and (b) above.~~

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

d) If the accountant, subsequent to the date of the audited financial report Annual Audited Financial Report filed pursuant to this Part, becomes aware of facts which might have affected his report, the Department Director notes the obligation of the accountant to take such action as prescribed in Volume 1 by Section AU561 of the Professional Standards of the American Institute of Certified Public Accountants as of June 1, 1986, with no later amendments or editions.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 925.110 Evaluation of Accounting Procedures and System of Internal Control

a) In addition to the annual audited financial reports, each insurer shall furnish the Director with a report of evaluation performed by the accountant, in connection with his examination of the accounting procedures of the insurer and its system of internal control.

b) A report of the evaluation by the accountant of the accounting procedures of the insurer and its system of internal control including any remedial action taken or proposed, shall be filed annually by the insurer with the Department within sixty days after the filing of the annual audited financial report.

c) This report shall follow generally the Form for Reports on Internal Control Based on Audits described in Volume 17 Section A6642.39 of the Professional Standards of the American Institute of Certified Public Accountants as of June 1, 1986, with no later amendments or editions.

In addition to the Annual Audited Financial Report, each insurer shall furnish the Director with a written report prepared by the accountant stating their evaluation of the accounting procedures of the insurer and its system of internal control, including any remedial action taken or proposed. The written report shall include a description of any significant deficiencies in the insurer's internal control structure noted by the accountant during the audit. SAS No. 60, Communication of Internal Control Structure Matters. Noted in an Audit (AU Section 325 of the Professional Standards of the American Institute of Certified Public Accountants) requires an accountant to communicate significant deficiencies (known as "reportable conditions") noted during a financial statement audit to the appropriate parties within an entity. The written report shall be filed annually by the insurer with the Director, on or before June 1, along with the filing of the Annual Audited Financial Report. The insurer is required to provide a description of remedial actions taken or proposed to correct significant deficiencies, if such actions are not described in the accountant's report.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 925.120 Accountant's Letter of Qualifications

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

The accountant shall furnish the insurer in connection with, and for inclusion in, the filing of the Annual Audited Financial Report, a letter stating:

- a) That the accountant is independent with respect to the insurer and conforms to the standards of the profession as contained in the Code of Professional Ethics and pronouncements of the American Institute of Certified Public Accountants, and the Rules of Professional Conduct of the Illinois Board of Public Accountancy, or similar code.
- b) The background and experience in general, and the experience in audits of insurers, of the staff assigned to the engagement and whether each is an accountant. Nothing within this Part shall be construed as prohibiting the accountant from utilizing such staff as deemed appropriate where use is consistent with the standards prescribed by generally accepted auditing standards.
- c) That the accountant understands the Annual Audited Financial Report and their opinion thereon will be filed in compliance with this Part and that the Director will be relying on this information in the monitoring and regulation of the financial positions of insurers.
- d) That the accountant consents to the requirements of Section 925.130 of this Part and that the accountant consents and agrees to make available for review by the Director, the Director's designee or the Director's appointed agent, the workpapers, as defined in Section 925.130.
- e) A representation that the accountant is properly licensed by an appropriate state licensing authority and is a member in good standing in the American Institute of Certified Public Accountants.
- f) A representation that the accountant is in compliance with the requirements of Section 925.70 of this Part.

(Source: Former Section 925.120 renumbered to Section 925.130, new Section added at 19 Ill. Reg. _____, effective _____)

Section 925.130 Examinations

a) The Director or his designee shall determine the nature, scope and frequency of examinations under this Part conducted by Department examiners pursuant to Section 132 of the Insurance Code until Revised Statutes Chapter 73, Part 744. Such examinations may but need not cover all aspects of the insurer's assets, condition, affairs and operations and may include and be supplemented by audit procedures performed by an independent certified public accountant as herein provided. Scheduling of examinations will take into account such matters as early warning test results, changes in management, results of market conduct examinations and audited financial reports. The type of examinations under the provisions of this Part performed by Department examiners under the effective date of this Part shall be as follows:

Compliance Examinations with--constat--of--a--review--of--the

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

examiners, the all workpapers prepared in the conduct of his their examination and any communications related to the audit between the accountant and the insurer, at the offices of the insurer, at the offices of the Director, or at any other reasonable place designated by the Director. The insurer shall require that the accountant retain the audit workpapers for a period of not less than five years after the period reported thereon and communications until the Director has filed a Report on Examination covering the period of the audit, but no longer than seven (7) years from the date of the audit report.

c) In the conduct of the aforementioned periodic review by the Director's examiners, it shall be agreed that photocopies of pertinent audit workpapers may be made and retained by the Director's examiners. Such review by the Director's examiners shall be considered an investigation and all working papers and communications obtained during the course of such investigation shall be afforded the same confidentiality as other examination workpapers generated by the Director's examiners.

(Source: Former Section 925.130 repealed, new Section 925.130 renumbered from Section 925.120 and amended at 19 Ill. Reg. _____, effective _____)

Section 925.140 Application and Effective Date Exemptions

a) This Part shall apply to Illinois domestic stock mutual and reciprocal insurance companies transacting class 17 or 19 insurance business fraternal benefit societies and assessment life and accident and health companies and health maintenance organizations

b) Upon written application of any domestic insurer, the Director may grant an exemption from compliance with this Part if the Director finds, upon review of the application, that compliance with this Part would constitute a financial or organizational hardship upon the insurer. An exemption may be granted at any time and from time to time, for a specified period or periods. Within ten (10) days from a denial of an insurer's written request for an exemption from this Part, such insurer may request in writing a hearing on its application for an exemption. Such hearing shall be held in accordance with the Rules of the Illinois Department of Insurance pertaining to administrative hearing procedures (50 Ill. Adm. Code 2402).

b) Foreign and alien insurers having total direct premiums written of less than \$1,000,000 in any calendar year shall be automatically exempt from this Part for such year (unless the Director makes a specific finding that compliance is necessary for the Director to carry out statutory responsibilities) except that insurers having assumed premiums pursuant to contracts and/or treaties of reinsurance of \$1,000,000 or more will not be so exempt.

c) Foreign or alien insurers filing audited financial reports in their state of domicile, pursuant to such domestic state's requirement of

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

accountant's workpapers defined under Section 925.130 of this Part and a general review of the insurer's corporate affairs and insurance operations to determine compliance with the Illinois Insurance Code and the Health Maintenance Organization Act and the Rules of the Department. The examiners may perform alternative or additional examinations procedures to supplement those performed by the accountant when the examiners determine that such procedures are necessary to verify the financial condition of the insurer.

2) Targeted Examinations may cover such areas as life reserve valuations, claims analyses organizational and capital changes and such other areas as the Director or his designee may deem appropriate.

3) Comprehensive Examinations will be performed when the report of the accountant as provided for in Section 925.90 of this Part or the notification required by Section 925.100 of this Part or the results of compliance or targeted examinations or other circumstances indicate in the judgment of the Director or his designee that a complete examination of the condition and affairs of the insurer is necessary.

b) Upon the completion of each examination described above, the examiner appointed by the Director shall make a full and true report on the results of the examination. Each report shall include a general description of the audit procedures performed by Department examiners and the procedures of the accountants which the examiners may have utilized to supplement their examination procedures and the procedures which were performed by the registered independent certified public accountant if included as a supplement to the examination as herein provided. The cost of the examination shall be paid by the insurer examined at the rate prescribed by the Illinois Insurance Code and the Rules and Regulations of the Illinois Department of Insurance.

Section 925.120 925.130 Definition, Availability and Maintenance of CPA Workpapers - Certified Public Accountant (CPA) Accountant Workpapers

a) Workpapers are the records kept by the independent certified public accountant of the procedures followed, the tests performed, the information obtained, and the conclusions reached pertinent to his examination of the financial statements of an insurer. Workpapers, accordingly, may include audit planning documentation work programs, analyses, memoranda, letters of confirmation and representation, abstracts of company documents and schedules or commentaries prepared or obtained by the independent certified public accountant in the course of his examination their audit of the financial statements of an insurer and which support his opinion thereon thereof.

b) Every insurer required to file an Annual Audited Financial Report Audited Financial Report pursuant to this Rule Part, shall require the accountant to make available for review by Department the Director's

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

audited financial reports which has been found by the Director to be substantially similar to the requirements herein, are exempt from this Part if:

- 1) A copy of the Annual Audited Financial Report, Report on Internal Control, and the Accountant's Letter of Qualifications which are filed with such other state are filed with the Director in accordance with the filing dates specified in Sections 925.40, 925.110 and 925.120 respectively (Canadian insurers may submit accountants' reports as filed with the Canadian dominion Department of Insurance).
- 2) A copy of any Notification of Adverse Financial Condition Report filed with such other state is filed with the Director within the time specified in Section 925.100.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 925.150 Severability Provision

If any Section or portion of a Section of this Rule Part or the applicability thereof to any person or circumstance is held invalid by a court, the remainder of the Rule Part or the applicability of such provision to other persons or circumstances shall not be affected thereby. This Rule Part is effective July 21, 1975.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Numbers: Proposed Action:
350.210 Amendment
350.280 Amendment
- 4) Statutory Authority: Implementing and authorized by the Safety Inspection and Education Act (Ill. Rev. Stat. 1991, ch. 48, par. 59.01 et seq.) (820 ILCS 220) and the Health and Safety Act (Ill. Rev. Stat. 1991, ch. 48, par. 137.1 et seq.) (820 ILCS 225)
- 5) A Complete Description of the Subjects and Issues Involved: Section 4 of the Health and Safety Act states that all federal occupational safety and health standards promulgated, modified, or revoked by the US Secretary of Labor shall be made rules of the Director. The previous rulemaking adopted all federal health and safety rules effective July 1, 1993. This rulemaking amends the Department rules by adopting the federal occupational safety and health rules as effective on July 1, 1994, found at FR58(143):40468, FR59(1):1146, FR59(20):4320, FR59(27):6126, FR63(59):15339, FR59(63):15594, FR59(66):16334, FR59(71):17478, FR59(96):26114, FR59(125):33658, and amended at FR59(128):33910, FR59(128):34580, FR59(137):36695, FR59(141):37816, FR59(152):40672, FR59(153):40964, FR59(161):43268, FR59(196):51672, FR59(213):85208. The updated standards are published in 29 CFR 1910, 1915, and 1926, and are summarized below:

"Incorporation of General Industry Safety and Health Standards Applicable to Construction Work and Technical Amendments; Final Rule; Corrections," FR58(143):40468 July 28, 1993.

This rule makes a minor correction to a mathematical formula used in the analysis of airborne ethylene oxide concentrations. There are no new requirements imposed by the rule.

"Standard for Cadmium in Shipyard Employment and in Construction Work; Reprint With Corrections and Technical Amendments; Final Rule," FR59(1):146 January 3, 1994.

This rule clarifies that the cadmium standard found in 1910 Subpart Z is effective for the shipyard industry, and updates codifications and effective dates. No new requirements are imposed by the rule.

"Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment; Final Rule," FR59(20):4320 January 31, 1994.

This rule addresses work practices relating to enclosed spaces, hazardous

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

energy control, working near energized parts, grounding for employee protection, underground and overhead installation, line-clearance tree trimming, work in substations, and other special conditions within the industry. It replaces out-of-date consensus standards referenced in the general industry standards with a set of performance-oriented requirements reflecting the latest revisions to the consensus standards. The rule adopts use and care requirements for electrical protective equipment designed to complement the equipment design criteria. Municipalities and other agencies that have electrical generation, transmission or distribution capability will be affected by the rule.

"Hazard Communication; Final Rule," FR59(27):6126 February 9, 1994.

This rule includes minor changes and technical amendments that clarify certain exemptions from labeling, modify written plan requirements, clarify and slightly modify duties of MSDS providers and requirements for MSDS. No significant impact is expected.

"Grain Handling Facilities; Final Decision Statement," FR63(59):15339 April 1, 1994.

This announcement states that OSHA does not intend to expand the action level of 1/8 inch of accumulated dust beyond the priority areas. There are no new requirements in the rule.

"Reporting of Fatality or Multiple Hospitalization Incidences; Final Rule," FR59(63):15594 April 1, 1994.

This rule requires employers to report all fatalities and catastrophes that result in the hospitalization of three or more employees within eight hours of the accident or death. Currently, employers must report all fatalities and catastrophes that result in the hospitalization of five or more employees within 48 hours. Impact is not expected to be significant.

"Personal Protective Equipment for General Industry; Final Rule," FR59(66):16334 April 6, 1994.

This rule requires employers to provide additional education and training on the proper selection and use of personal protective equipment (PPE). It updates references to be used when selecting PPE, and contains additional performance criteria for some types of PPE. All work sites are potentially covered by the rule.

"Hazard Communication; Final Rule; Temporary Stay of Effective Date for Wood Products," FR59(71):17478 April 13, 1994.

This rule stays certain Material Safety Data Sheet and labeling provisions applicable to wood or wood products capable of generating dust, or treated

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

with a hazardous chemical. Provisions are stayed from March 11, 1994 to August 11, 1994 to accommodate changes to MSDSs and labels. Impact will not be significant.

"Permit Required Confined Spaces for General Industry; Final Rule; Technical Amendment," FR59(96):26114 May 19, 1994.

The rule makes one non-substantive change to the text, and revises information in Appendix E concerning atmospheric testing and monitoring in sewers. The amendment clarifies that a performance-oriented approach should be used by the employer when determining the contaminants of concern. Impact will be minor.

"Electric Power Generation, Transmission and Distribution; Electrical Protective Equipment; Final Rule; Stay of Enforcement and Correction," FR 59(125):33658 June 30, 1994.

This rule stays enforcement of certain provisions of 29CFR 1910.269 until Nov. 1, 1994. It stays enforcement of the paragraph requiring elimination or control of ignition sources in coal handling operations until February 1, 1996. It clarifies language in the preamble concerning the type of protective clothing required when employees are exposed to flames or arcs. It also corrects several minor errors in the text of the standard. Impact is not significant.

"Personal Protective Equipment for General Industry; Final Rule; Corrections," FR59(128):33910 July 1, 1994.

This rule clarifies that the new hazard assessment and training requirements for PPE do not amend those of the respiratory protection standard or the electrical protective equipment standard. It corrects the description of the work situation that requires the use of protective footwear. Impact is not significant.

"Personal Protective Equipment for General Industry; Final Rule; Administrative Stay FR59(128):34580 July 6, 1994.

The effective date of the new hazard assessment and training provisions for PPE is stayed from July 5, 1994 until October 5, 1994. It clarifies that 29CFR 1910.138; Hand Protection, is replaced by the new version. Impact is minor.

"Retention of DOT markings, placards and labels; Final Rule," FR59(137):36695 July 19, 1994.

This rule states that employers must retain all IDOT required markings, labels, and placards on containers from the time they are received until the container is emptied of the contents. Impact is not significant.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

"Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment; Final Rule," FR59(141):37816 July 25, 1994.

This rule expands permit required confined space safety requirements to all sectors of the shipyard industry. Impact is not significant.

"Safety Standards for Fall Protection in the Construction Industry; Final Rule," FR59(152):40672 August 9, 1994.

This rule expands the use of a fall protection system such as guardrails, safety nets, or personal fall arrest systems, to all construction workers exposed to fall hazards of six feet or greater. The use of body belts as a fall arrest system will be prohibited as of January 1, 1998. Some state and local entities that perform construction or repair work will be covered by the rule.

"Occupational Exposure to Asbestos, Tremolite, Anthrophyllite, and Actinolite; Final Rule," FR59(153):40964 August 10, 1994.

This amendment reduces the permissible exposure limit from .2 fibers/cc to .1 fibers/cc. It establishes a new system of work practice controls for building workers that may disturb asbestos containing materials (ACM). It establishes mandatory work practices for brake and clutch repair. It will affect all public sector employees in building containing ACM and all vehicle maintenance facilities that perform brake or clutch repair.

"Hazardous Waste Operations and Emergency Response; Final Rule," FR59(161):43268 August 22, 1994.

This rule updates certain references made to NFPA standards in Appendix B of 1910.120 and 1926.65. It also adds a non-mandatory Appendix E, which describes an effective training curriculum and program. Emergency services such as fire departments and HAZMAT response teams are affected by the rule, although impact is expected to be minimal.

"Logging Operations; Final Rule," FR59(196):51672 October 12, 1994.

This rule strengthens safety regulations governing pulpwood operations, and expands them to cover the entire logging industry. It does not impact public sector employers.

"Permit Required Confined Spaces for General Industry; Final Rule; Technical Amendment to Preamble," FR59(213):85208 November 4, 1994.

This rule clarifies the preamble where the definition of a confined space is discussed. It does not have significant impact.

6) Will this proposed rule replace an emergency rule currently in effect?

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- No. Does this rulemaking contain an automatic repeal date? No.
- 7) Does this proposed amendment contain incorporation by reference? Yes. This rule incorporates the standards located in 29 CFR 1910, 1915, and 1926 effective on July 1, 1993, and amended as described in item #5. It does not include any later amendments or editions.
- 8) Are there any other amendments pending on this Part? No.
- 9) Statement of Statewide Policy Objectives: The Health and Safety Act requires the Department to adopt updated Occupational Safety and Health Administration Standards as often as necessary to remain current with the federal regulations. Adoption of these standards ensures that public sector workers are provided with the same level of health and safety protection that is afforded to private sector workers within the State.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted to the following:

Lenore Killam
Safety Inspection and Education Division
Illinois Department of Labor
#1 West Old State Capitol Plaza, Room 300
Springfield, IL 62701
(217) 782-9386

Public hearings are scheduled as follows:

10:00 A.M. Tuesday, March 21, 1995
Illinois Department of Labor
#1 West Old State Capitol Plaza, Room 300
Springfield, IL
1:00 P.M. Thursday, March 23, 1995
Illinois Department of Labor
State of Illinois Building
160 N. LaSalle St., Suite C-1300
Chicago, IL 60604

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not Applicable.

B) Types of small businesses or municipalities affected: Due to the effect of preemption of Department rules by the federal Occupational

DEPARTMENT OF LABOR

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Safety and Health Administration, private sector businesses are not affected. All public sector work sites will be affected.

Costs associated with compliance are for the correction of work site health and safety hazards, which will have a direct positive impact within the public sector work force.

Savings will be realized due to fewer workplace injuries and occupational diseases, lower direct and indirect medical costs, lower worker's compensation costs, lower replacement employee costs, and increased employee productivity due to fewer lost work days and a healthier work force.

Variance procedures within the regulations allow public sector employers to petition for variance from standards when compliance cannot be achieved because of factors beyond their control.

C) Reporting, bookkeeping, or other procedures required for compliance: The new standards require written compliance programs. These standards do not require the use of any new standardized forms.

Specific examples of information required by the written programs include monitoring data, documentation of employee training, standard safe operating procedures, documentation of personal protective gear selection, employee exposure records, and maintenance of employee medical records. Guidance for the proper maintenance of the documentation is provided free of charge by the Department.

D) Types of professional skills necessary for compliance: General administrative skills are sufficient for compliance with the proposed amendments.

The full text of the Proposed Amendments begins on the next page:

SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350
HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section	Purpose and Scope
350.10	Definitions
350.20	Posting of Notice
350.30	Availability of Rules and Standards
350.40	Inspection Authority
350.50	Advance Notice of Inspection
350.60	Conduct of Inspections
350.70	Closing Conferences
350.80	Representatives of Employers and Employees
350.90	Objections During Inspection
350.100	Trade Secrets or Confidential Information
350.110	Consultation with Employees
350.120	Complaints by Employees
350.130	Imminent Danger
350.140	Citations
350.150	Posting of Citations
350.160	Appeal of Citation
350.170	Appeal of Abatement Period
350.180	Petition for Variance from Standards
350.190	Hearings
350.195	Advisory Inspections
350.200	

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section	Emergency Notification
350.210	Recordable Injuries and Illnesses
350.220	Log of Injuries and Illnesses
350.230	Supplementary Record of Injuries and Illnesses
350.240	Annual Summary
350.250	Retention of Records
350.260	Access to Records
350.270	

SUBPART C: FEDERAL STANDARDS

Section	Adoption of Federal Standards
350.280	

DEPARTMENT OF LABOR

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by the Safety Inspection and Education Act (Ill. Rev. Stat. 1991, ch. 48, par. 59.01 et seq.) [820 ILCS 220] and the Health and Safety Act (Ill. Rev. Stat. 1991, ch. 48, par. 137.1 et seq.) [820 ILCS 225].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. _____, effective _____.

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section 350.210 Emergency Notification

After the occurrence of an employment accident which is fatal to one or more employees or which results in hospitalization of five three or more employees, the employer shall report the accident to the department as soon as physically possible. The notification shall be made on-the-same-working-day-as-the accident--or--on-the-next-working-day within eight (8) hours after the accident or death. The employer shall notify the department orally or in writing by telephone or telegraph. The notification shall relate the circumstances of the accident, the number of fatalities, the number of employees hospitalized, and the extent of the injuries.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

SUBPART C: FEDERAL STANDARDS

Section 350.280 Adoption of Federal Standards

a) Pursuant to Section 4 of the Health and Safety Act, the Department hereby adopts by reference the general health and safety standards and special maritime and construction industry standards adopted by the Federal Occupational Safety and Health Administration as effective on July-17-1993: July 1, 1994 and amended at FR59 (143) :40468, FR59 (1) :146, FR59 (20) :4320, FR59 (27) :6126, FR63 (59) :15339, FR59 (63) :15594, FR59 (66) :16334, FR59 (71) :17478, FR59 (96) :26114, FR59 (125) :33658, FR59 (128) :33910, FR59 (128) :34580, FR59 (137) :36695, FR59 (141) :37816, FR59 (152) :40672, FR59 (153) :40964, FR59(161) :43268, FR59 (196) :51672, FR59 (213) :85208. These standards are located at 29 CFR 1910, 1915, and 1926 and do not include any later amendments or editions.

b) The Department shall consider any subsequent amendments to the health

and safety standards adopted by the federal Occupational Safety and Health Administration. Such amendments will be adopted by reference, or substitute provisions which provide equivalent protection will be adopted. Amendments will be adopted through filing with the Secretary of State and publication in the Illinois Register as required by Section 5-40 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-40) [5 ILCS 100/5-40].

c) The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens (1991, no later amendments or editions). The dates listed in paragraph (i) of 29 CFR Part 1910.1030 are not applicable to Illinois public sector employers. The effective date (paragraph (i)(1) of the adopted standard) for the Illinois public sector shall be the effective date of this amendment, as published in the Illinois Register. The compliance date for paragraph (i)(2) of the adopted standard shall be 30 days after the effective date, the date for paragraph (i)(3) shall be 60 days after the effective date, and the date for paragraph (i)(4) shall be 90 days after the effective date.

d) The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and (iv), which establish timelines for hazard analyses for hazardous materials, are one, two, three, and four years, respectively, after August 1, 1994.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Administrative Rules.

6) Will this proposed rule(s) replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment, repealer contain incorporations by reference? Yes. The existing text of Part 307 has numerous incorporations by reference throughout various Sections. The present amendments update the incorporations to include the federal amendments that prompted this rulemaking.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking is mandated by Section 13.3 of the Environmental Protection Act (Act). The stated statewide policy objectives are set forth in Section 11 of the Act. This rule imposes mandates on units of local government to the extent they pretreat industrial waste or operate a publicly owned treatment works required to have a pretreatment program.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R94-10 within 45 days of publication in the Illinois Register to:
Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

All comments should be clearly marked with the docket number R94-10. Questions may be directed to Diane O'Neill at the Pollution Control Board at (312)814-6062.

12) Initial Regulatory Flexibility Analysis:
A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 21, 1995

B) Types of small businesses affected: Manufacturers of organic chemicals, plastic synthetic fibers and pesticide chemicals disposing of industrial wastewaters into sewage collection systems of publicly owned treatment works. The present amendments may change the way in which the existing regulations affect some small businesses.

C) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive

1) Heading of the Part: Sewer Discharge Criteria

2) Code Citation: 35 Ill. Adm. Code 307

Section Numbers:	Proposed Action:
307.2400	Amended
307.2401	Amended
307.2402	Amended
307.2403	Amended
307.2404	Amended
307.2405	Amended
307.2406	Amended
307.2407	Amended
307.2410	New Section
307.2490	Amended
307.2491	Amended
307.6500	Amended
307.6501	Amended
307.6502	Amended
307.6503	Amended

4) Statutory Authority: [415 ILCS 5/13, 13.3 and 27]

5) A Complete Description of the Subjects and Issues Involved:

Section 13.3 of the Act requires the Board to adopt regulations which are "identical in substance" with federal regulations promulgated by the United States Environmental Protection Agency (U.S. EPA) to implement the pretreatment requirements of Sections 307 and 402 of the Clean Water Act. The proposed amendments adopt the amendments to the pretreatment regulations adopted by the U.S. EPA between July 1, 1993 and December 31, 1993.

The amendments add effluent standards for pollutants that were previously deleted from the regulations in response to a decision in Chemical Manufacturer's Association v. U.S. EPA, 870 F.2d 177 (5th Cir), modified, 885 F.2d 253 (5th Cir. 1989), cert denied. The amendments also establish effluent standards for the pesticide chemical industry. A compliance date of September 28, 1996 is added for discharges subject to pretreatment standards for existing sources involved in the manufacturing of pesticide chemicals.

A more detailed description of the amendments can be found in the Board's opinion in Docket R94-10 of February 16, 1995, which is available from the Pollution Control Board at the address below. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5 of the Illinois Administrative Procedural Act (IAPA) shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or second notice review by the Joint Committee on

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The present amendments may change the way in which the existing regulations affect some small businesses.

- D) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The present amendments may change the way in which the existing regulations affect some small businesses.

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 307
SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section	Preamble (Renumbered)
307.101	General Requirements (Renumbered)
307.102	Mercury (Renumbered)
307.103	Cyanide (STORET number 00720) (Renumbered)
307.104	Pretreatment Requirements (Repealed)
307.105	Preamble
307.1001	Definitions
307.1002	Test Procedures for Measurement
307.1003	Toxic Pollutants
307.1005	

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	General and Specific Requirements
307.1101	Mercury
307.1102	Cyanide
307.1103	

SUBPART F: DAIRY PRODUCTS PROCESSING

Section	Receiving Stations
307.1501	Fluid Products
307.1502	Cultured Products
307.1503	Butter
307.1504	Cottage Cheese and Cultured Cream Cheese
307.1505	Natural and Processed Cheese
307.1506	Fluid Mix for Ice Cream and other Frozen Desserts
307.1507	Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts
307.1508	Condensed Milk
307.1509	Dry Milk
307.1510	Condensed Whey
307.1511	Dry Whey
307.1512	

SUBPART G: GRAIN MILLS

Section	Corn Wet Milling
307.1601	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.1602 Corn Dry Milling
 307.1603 Normal Wheat Flour Milling
 307.1604 Bulgur Wheat Flour Milling
 307.1605 Normal Rice Milling
 307.1606 Parboiled Rice Milling
 307.1607 Animal Feed
 307.1608 Hot Cereal
 307.1609 Ready-to-eat Cereal
 307.1610 Wheat Starch and Gluten

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section
 307.1700 General Provisions
 307.1701 Apple Juice
 307.1702 Apple Products
 307.1703 Citrus Products
 307.1704 Frozen Potato Products
 307.1705 Dehydrated Potato Products
 307.1706 Canned and Preserved Fruits
 307.1707 Canned and Preserved Vegetables
 307.1708 Canned and Miscellaneous Specialties

SUBPART I: CANNED AND PRESERVED SEAFOOD

Section
 307.1801 Farm-raised Catfish
 307.1815 Fish Meal Processing Subcategory

SUBPART J: SUGAR PROCESSING

Section
 307.1901 Beet Sugar Processing
 307.1902 Crystalline Cane Sugar Refining
 307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

Section
 307.2000 General Provisions
 307.2001 Wool Scouring
 307.2002 Wool Finishing
 307.2003 Low Water Use Processing
 307.2004 Woven Fabric Finishing
 307.2005 Knit Fabric Finishing
 307.2006 Carpet Finishing
 307.2007 Stock and Yarn Finishing
 307.2008 Nonwoven Manufacturing

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.2009 Felted Fabric Processing

Section
 307.2101 Nonleaching
 307.2102 Leaching
 307.2103 Materials Storage Piles Runoff

SUBPART M: FEEDLOTS

Section
 307.2201 General
 307.2202 Ducks

SUBPART N: ELECTROPLATING

Section
 307.2300 General Provisions
 307.2301 Electroplating of Common Metals
 307.2302 Electroplating of Precious Metals
 307.2304 Anodizing
 307.2305 Coatings
 307.2306 Chemical Etching and Milling
 307.2307 Electroless Plating
 307.2308 Printed Circuit Boards

SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

Section
 307.2400 General Provisions
 307.2401 Rayon Fibers
 307.2402 Other Fibers
 307.2403 Thermoplastic Resins
 307.2404 Thermosetting Resins
 307.2405 Commodity Organic Chemicals
 307.2406 Bulk Organic Chemicals
 307.2407 Specialty Organic Chemicals
 307.2410 Indirect Discharge Point Sources
 307.2490 Non-complexed Metal-bearing and Cyanide-bearing Wastestreams
 307.2491 Complexed Metal-bearing Wastestreams

SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section
 307.2500 General Provisions
 307.2501 Aluminum Chloride Production
 307.2502 Aluminum Sulfate Production

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.2503	Calcium Carbide Production
307.2504	Calcium Chloride Production
307.2505	Calcium Oxide Production
307.2506	Chlor-alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508	Hydrofluoric Acid Production
307.2509	Hydrogen Peroxide Production
307.2511	Potassium Metal Production
307.2512	Potassium Dichromate Production
307.2513	Potassium Sulfate Production
307.2514	Sodium Bicarbonate Production
307.2516	Sodium Chloride Production
307.2517	Sodium Dichromate and Sodium Sulfate Production
307.2520	Sodium Sulfite Production
307.2522	Titanium Dioxide Production
307.2523	Aluminum Fluoride Production
307.2524	Ammonium Chloride Production
307.2527	Borax Production
307.2528	Boric Acid Production
307.2529	Bromine Production
307.2530	Calcium Carbonate Production
307.2531	Calcium Hydroxide Production
307.2533	Carbon Monoxide and Byproduct Hydrogen Production
307.2534	Chrome Pigments Production
307.2535	Chromic Acid Production
307.2536	Copper Salts Production
307.2538	Ferric Chloride Production
307.2540	Fluorine Production
307.2541	Hydrogen Production
307.2542	Hydrogen Cyanide Production
307.2543	Iodine Production
307.2544	Lead Monoxide Production
307.2545	Lithium Carbonate Production
307.2547	Nickel Salts Production
307.2549	Oxygen and Nitrogen Production
307.2550	Potassium Chloride Production
307.2551	Potassium Iodide Production
307.2553	Silver Nitrate Production
307.2554	Sodium Bisulfite Production
307.2555	Sodium Fluoride Production
307.2560	Stannic Oxide Production
307.2563	Zinc Sulfate Production
307.2564	Cadmium Pigments and Salts Production
307.2565	Cobalt Salts Production
307.2566	Sodium Chlorate Production
307.2567	Zinc Chloride Production

SUBPART R: SOAP AND DETERGENTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section	
307.2701	Soap Manufacturing by Batch Kettle
307.2702	Fatty Acid Manufacturing by Fat Splitting
307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps
307.2709	Oleum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacture of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

SUBPART S: FERTILIZER MANUFACTURING

Section	
307.2801	Phosphate
307.2802	Ammonia
307.2803	Urea
307.2804	Ammonium Nitrate
307.2805	Nitric Acid
307.2806	Ammonium Sulfate Production
307.2807	Mixed and Blend Fertilizer Production

SUBPART T: PETROLEUM REFINING

Section	
307.2901	Topping
307.2902	Cracking
307.2903	Petrochemical
307.2904	Lube
307.2905	Integrated

SUBPART U: IRON AND STEEL MANUFACTURING

Section	
307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering
307.3003	Ironmaking

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.3004	Steelmaking
307.3005	Vacuum Degassing
307.3006	Continuous Casting
307.3007	Hot Forming
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
307.3011	Alkaline Cleaning
307.3012	Hot Coating
SUBPART V: NONFERROUS METALS MANUFACTURING	
Section	
307.3100	General Provisions
307.3101	Bauxite Refining
307.3102	Primary Aluminum Smelting
307.3103	Secondary Aluminum Smelting
307.3104	Primary Copper Smelting
307.3105	Primary Electrolytic Copper Refining
307.3106	Secondary Copper
307.3107	Primary Lead
307.3108	Primary Zinc
307.3109	Metallurgical Acid Plants
307.3110	Primary Tungsten
307.3111	Primary Columbium-Tantalum
307.3112	Secondary Silver
307.3113	Secondary Lead
307.3114	Primary Antimony
307.3115	Primary Beryllium
307.3116	Primary and Secondary Germanium and Gallium
307.3117	Secondary Indium
307.3118	Secondary Mercury
307.3119	Primary Molybdenum and Rhenium
307.3120	Secondary Molybdenum and Vanadium
307.3121	Primary Nickel and Cobalt
307.3122	Secondary Nickel
307.3123	Primary Precious Metals and Mercury
307.3124	Secondary Precious Metals
307.3125	Primary Rare Earth Metals
307.3126	Secondary Tantalum
307.3127	Secondary Tin
307.3128	Primary and Secondary Titanium
307.3129	Secondary Tungsten and Cobalt
307.3130	Secondary Uranium
307.3131	Primary Zirconium and Hafnium

SUBPART X: STEAM ELECTRIC POWER GENERATING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section	
307.3301	Steam Electric Power Generating
SUBPART Y: FERROALLOY MANUFACTURING	
Section	
307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403	Slag Processing
307.3404	Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3405	Other Calcium Carbide Furnaces
307.3406	Electrolytic Manganese Products
307.3407	Electrolytic Chromium
SUBPART Z: LEATHER TANNING AND FINISHING	
Section	
307.3500	General Provisions
307.3501	Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502	Hair Save, Chrome Tan, Retan-Wet Finish
307.3503	Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504	Retan-Wet Finish-Sides
307.3505	No Beamhouse
307.3506	Through-the-Blue
307.3507	Shearing
307.3508	Pigskin
307.3509	Retan-Wet Finish-Splits
307.3590	Potassium Ferricyanide Titration Method
SUBPART BA: GLASS MANUFACTURING	
Section	
307.3601	Insulation Fiberglass
307.3602	Sheet Glass Manufacturing
307.3603	Rolled Glass Manufacturing
307.3604	Plate Glass Manufacturing
307.3605	Float Glass Manufacturing
307.3606	Automotive Glass Tempering
307.3607	Automotive Glass Laminating
307.3608	Glass Container Manufacturing
307.3610	Glass Tubing (Danner) Manufacturing
307.3611	Television Picture Tube Envelope Manufacturing
307.3612	Incandescent Lamp Envelope Manufacturing
307.3613	Hand Pressed and Blown Glass Manufacturing

SUBPART BB: ASBESTOS MANUFACTURING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section	
307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
307.3711	Wet Dust Collection
	SUBPART BC: RUBBER MANUFACTURING
Section	
307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber
307.3809	Pan, Dry Digestion and Mechanical Reclaimed Rubber
307.3810	Latex-Dipped, Latex-Extruded and Latex-Molded Rubber
307.3811	Latex Foam
	SUBPART BD: TIMBER PRODUCTS PROCESSING
Section	
307.3900	General Provision
307.3901	Barking
307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving-Water Borne or Nonpressure
307.3907	Wood Preserving-Steam
307.3908	Wood Preserving-Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing
307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) or Without Laundry Facilities

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.3916	Wood Furniture and Fixture Production with Water Wash Spray Booth(s) or With Laundry Facilities
	SUBPART BE: PULP, PAPER AND PAPERBOARD
Section	
307.4000	General Provisions
307.4001	Unbleached Kraft
307.4002	Semi-Chemical
307.4004	Unbleached Kraft-Neutral Sulfite Semi-Chemical (Cross Recovery)
307.4005	Paperboard From Wastepaper
307.4006	Dissolving Kraft
307.4007	Market Bleached Kraft
307.4008	BCT Bleached Kraft
307.4009	Fine Bleached Kraft
307.4010	Papergrade Sulfite (Blow Pit Wash)
307.4011	Dissolving Sulfite Pulp
307.4012	Groundwood-Chemi-Mechanical
307.4013	Groundwood-Thermo-Mechanical
307.4014	Groundwood-CMN Papers
307.4015	Groundwood-Fine Papers
307.4016	Soda
307.4017	Deink
307.4018	Nonintegrated-Fine Papers
307.4019	Nonintegrated-Tissue Papers
307.4020	Tissue From Wastepaper
307.4021	Papergrade Sulfite (Drum Wash)
307.4022	Unbleached Kraft and Semi-Chemical
307.4023	Wastepaper-Molded Products
307.4024	Nonintegrated-Lightweight Papers
307.4025	Nonintegrated-Filter and Nonwoven Papers
307.4026	Nonintegrated-Paperboard
	SUBPART BF: BUILDERS' PAPER AND BOARD MILLS
Section	
307.4101	Builder's Paper and Roofing Felt
	SUBPART BG: MEAT PRODUCTS
Section	
307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse
307.4203	Low-Processing Packinghouse
307.4204	High-Processing Packinghouse
307.4205	Small Processor
307.4206	Meat Cutter
307.4207	Sausage and Luncheon Meats Processor

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.4208 Ham Processor
 307.4209 Canned Meats Processor
 307.4210 Renderer

SUBPART BH: METAL FINISHING

Section
 307.4300 General Provisions
 307.4301 Metal Finishing

SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section
 307.4900 General Provisions
 307.4901 Fermentation Products
 307.4902 Extraction Products
 307.4903 Chemical Synthesis Products
 307.4904 Mixing/Compounding and Formulation
 307.4905 Research

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section
 307.5301 Asphalt Emulsion
 307.5302 Asphalt Concrete
 307.5303 Asphalt Roofing
 307.5304 Linoleum and Printed Asphalt Felt

SUBPART BU: PAINT FORMULATING

Section
 307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

Section
 307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section
 307.6500 General Provisions
 307.6501 Organic Pesticide Chemicals Manufacturing
 307.6502 Metallo-Organic Pesticides Chemicals Manufacturing
 307.6503 Pesticide Chemicals Formulating and Packaging

SUBPART CG: CARBON BLACK MANUFACTURING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
 307.6801 Carbon Black Furnace Process
 307.6802 Carbon Black Thermal Process
 307.6803 Carbon Black Channel Process
 307.6804 Carbon Black Lamp Process

SUBPART CJ: BATTERY MANUFACTURING

Section
 307.7100 General Provisions
 307.7101 Cadmium
 307.7102 Calcium
 307.7103 Lead
 307.7104 Leclanche
 307.7105 Lithium
 307.7106 Magnesium
 307.7107 Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section
 307.7300 General Provision
 307.7301 Contact Cooling and Heating Water
 307.7302 Cleaning Water
 307.7303 Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section
 307.7400 General Provisions
 307.7401 Aluminum Casting
 307.7402 Copper Casting
 307.7403 Ferrous Casting
 307.7404 Zinc Casting

SUBPART CN: COIL COATING

Section
 307.7500 General Provisions
 307.7501 Steel Basis Material
 307.7502 Galvanized Basis Material
 307.7503 Aluminum Basis Material
 307.7504 Canmaking

SUBPART CO: PORCELAIN ENAMELING

Section
 307.7600 General Provisions

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 307.7601 Steel Basis Material
- 307.7602 Cast Iron Basis Material
- 307.7603 Aluminum Basis Material
- 307.7604 Copper Basis Material

SUBPART CP: ALUMINUM FORMING

- Section
- 307.7700 General Provisions
- 307.7701 Rolling With Neat Oils
- 307.7702 Rolling With Emulsions
- 307.7703 Extrusion
- 307.7704 Forging
- 307.7705 Drawing With Neat Oils
- 307.7706 Drawing With Emulsions or Soaps

SUBPART CQ: COPPER FORMING

- Section
- 307.7800 General Provisions
- 307.7801 Copper Forming
- 307.7802 Beryllium Copper Forming

SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

- Section
- 307.7901 Semiconductor
- 307.7902 Electronic Crystals
- 307.7903 Cathode Ray Tube
- 307.7904 Luminescent Materials

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

- Section
- 307.8100 General Provisions
- 307.8101 Lead-Tin-Bismuth Forming
- 307.8102 Magnesium Forming
- 307.8103 Nickel-Cobalt Forming
- 307.8104 Precious Metals Forming
- 307.8105 Refractory Metals Forming
- 307.8106 Titanium Forming
- 307.8107 Uranium Forming
- 307.8108 Zinc Forming
- 307.8109 Zirconium-Hafnium Forming
- 307.8110 Metal Powders

APPENDIX A References to Previous Rules (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. _____, effective _____.

SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

Section 307.2400 General Provisions

- a) General definitions. The Board incorporates by reference 40 CFR 414.10 (1992) (1993). This incorporation includes no later amendments or editions.
- b) Applicability.
 - 1) This Subpart applies to process wastewater discharges from all establishments or portions of establishments which manufacture the organic chemicals, plastics and synthetic fibers (OCPSF) products or product groups which are covered by Sections 307.2402 through 307.2408 and which are included in the following SIC major groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.1107:
 - A) SIC 2821 -- Plastic materials, synthetic resins and nonvulcanizable elastomers.
 - B) SIC 2823 -- Cellulosic man-made fibers.
 - C) SIC 2824 -- Synthetic organic fibers, except cellulosic.
 - D) SIC 2865 -- Cyclic crudes and intermediates, dyes and organic pigments.
 - E) SIC 2869 -- Industrial organic chemicals, not elsewhere classified.
 - 2) This Subpart applies to wastewater discharges from OCPSF research and development, pilot plant, technical service and laboratory bench scale operations if such operations are conducted in conjunction with and related to existing OCPSF manufacturing activities at the plant site.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) Notwithstanding subsection (b)(1) above, this Subpart does not apply to discharges resulting from the manufacture of OCPSP products if the products are included in the following SIC subgroups and if the products have in the past been reported by the establishment under these subgroups and not under the SIC groups listed in subsection (b)(1) above:
- A) SIC 2843085 -- Bulk surface active agents.
 - B) SIC 28914 -- Synthetic resin and rubber adhesives⁷.
 - C) Chemicals and chemical preparations not elsewhere classified:
 - i) SIC 2899568 -- Sizes, all types.
 - ii) SIC 2899597 -- Other industrial chemical specialties, including fluxes, plastic wood preparations and embalming fluids.
 - D) SIC 2911058 -- Aromatic hydrocarbons manufactured from purchased refinery products.
 - E) SIC 2911632 -- Aliphatic hydrocarbons manufactured from purchased refinery products.
- 4) Notwithstanding subsection (b)(1) above, this Subpart does not apply to any discharges for which a different set of previously promulgated standards this part in this Part apply, unless the facility reports OCPSP products under SIC codes 2865, 2869 or 2821, and the facility's OCPSP wastewaters are discharged separately to a POTW.
- 5) This Subpart does not apply to any process wastewater discharge from the manufacture of organic chemical compounds solely by extraction from plant and animal raw materials or by fermentation processes.
- 6) Discharges of chromium, copper, lead, nickel and zinc in "complexed metal-bearing wastestreams", listed in Section 307.2491, are not subjected to this Subpart.
- 7) Non-amendable cyanide.
- A) Discharges of cyanide in "cyanide-bearing waste streams", listed in Section 307.2490, are not subject to the cyanide limitations of this Subpart if
 - i) the control authority determines that the cyanide limitations are not achievable due to elevated levels of non-amenable cyanide (i.e., cyanide that is not oxidized by chlorine treatment) that result from the unavoidable complexing of cyanide at the process source of the cyanide-bearing waste stream, and
 - ii) the control authority establishes an alternative total cyanide or amenable cyanide limitation that reflects the best available technology economically achievable.
 - B) The control authority shall base its determination made pursuant to subsection (b)(7)(A) above on a review of the relevant engineering, production, and sampling and analytical information at its disposal, including

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- measurements of both total and amenable cyanide in the waste stream.
- C) The control authority shall set forth its determination made pursuant to subsection (b)(7)(A) above in a written analysis of the extent of complexing in the waste stream and its impact on cyanide treatability, based on the information at its disposal.
 - D) Alternative cyanide discharge limitation determinations made pursuant to this subsection are subject to the limitations of Section 307.1103. Provided, however, Section 307.1103 shall not be used to allow a discharge of total cyanide in excess of that otherwise allowed by this subsection.
- 8) Allowances for non-metal-bearing waste streams.
- A) The control authority shall establish discharge limitations for lead and zinc for waste streams not listed in Section 307.2490 and not otherwise determined to be "metal-bearing waste streams" if it determines that the wastewater metals contamination is due to background levels that are not reasonably avoidable, from such sources as intake water, corrosion of materials of construction, or contamination of raw materials.
 - B) The control authority shall base its determination made pursuant to subsection (b)(8)(A) on a review of relevant plant operating conditions, process chemistry, engineering, and sampling and analytical information.
 - C) The control authority shall set forth its determination made pursuant to subsection (b)(8)(A) above in a written analysis of the sources and levels of the metals, based on the information at its disposal.
 - D) The control authority may establish limitations for lead and zinc for non-"metal-bearing waste streams" for the purposes of subsection (b)(8)(A) above between the following levels:
 - i) the lowest level that the control authority determines, based on best professional judgement, can be reliably measured and
 - ii) the concentration of such metals present in the wastestreams, but not to exceed the applicable limitations contained in Sections 307.2401 through 307.2407.
 - iii) For zinc, the applicable limitations that the discharge must not exceed are those appearing in the tables in Sections 307.2401 through 307.2407, not the alternative limitations for rayon fiber manufacture by the viscose process, as set forth in footnote 2 to the table in 40 CFR 414.25, incorporated by reference at Section 307.2401(c)(1), or the alternative limitations for acrylic fiber manufacture by the zinc chloride/solvent process, as set forth in footnote 2

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- to the table in 40 CFR 414.35, incorporated by reference at Section 307.2402(c)(1).†
- E) The limitations for individual dischargers shall be set on a mass basis, by multiplying the concentration allowance established by the control authority times the process wastewater flow from the individual wastestreams in which incidental metals are present.
- c) Compliance date. All discharges subject to a pretreatment standard for existing sources in this Subpart must comply with the standard by no later than November 5, 1990.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 307.2401 Rayon Fibers

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of rayon fiber by the viscose process only.
- b) Specialized definitions. None.
- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.25 (†1992†) (1993) as amended at 58 Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.26 (†1991†) (1993) as amended at 58 Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 307.2402 Other Fibers

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 2823, cellulosic man-made fibers and fiber groups, except

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

rayon, and under SIC 2824, synthetic organic fibers and fiber groups, listed below. Product groups are indicated with an asterisk (*).

*Acrylic fibers (85% Polyacrylonitrile)

*Cellulose acetate fibers

*Fluorocarbon (Teflon) fibers

*Modacrylic fibers

*Nylon 6 fibers

Nylon 6 monofilament

*Nylon 66 fibers

Nylon 66 monofilament

*Polyamide fibers (Quiiana)

*Polyaramid (Kevlar) resin fibers

*Polyaramid (Nomex) resin fibers

*Polyester fibers

*Polyethylene fibers

*Polypropylene fibers

*Polyurethane fibers (Spandex)

b) Specialized definitions. None.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.35 (†1992†) (1993) as amended at 58 Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) above shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.36 (†1992†) (1993) as amended at 58 Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) above shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 307.2403 Thermoplastic Resins

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 28213, thermoplastic resins and thermoplastic resin groups, listed below. Product groups are indicated with an asterisk (*).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

*Abietic acid -- Derivatives
 *ABS resins
 *ABS-SAN resins
 *Acrylate-methacrylate latexes
 *Acrylic latex
 *Acrylic resins
 *Cellulose acetate butyrates
 *Cellulose acetate resin
 *Cellulose acetates
 *Cellulose acetates priopionates
 *Cellulose nitrate
 *Ethylene-methacrylic acid copolymers
 *Ethylene-vinyl acetate copolymers
 *Fatty acid resins
 *Fluorocarbon polymers
 Nylon 11 resin
 *Nylon 6-66 copolymers
 *Nylon 6 -- Nylon 11 blends
 Nylon 6 resin
 Nylon 612 resin
 Nylon 66 resin
 *Nylons
 *Petroleum hydrocarbon resins
 *Polyvinyl pyrrolidone -- copolymers
 *Poly(alpha)olefins
 Polyacrylic acid
 *Polamides
 *Polyarylamides
 *Polybutadiene
 *Polybutenes
 Polybutyl succinic anhydride
 *Polycarbonates
 *Polyester resins
 *Polyester resins, Polybutylene terephthalate
 *Polyester resins, Polyoxybenzoate
 Polyethylene
 *Polyethylene -- ethyl acrylate resins
 *Polyethylene -- polyvinylacetate copolymers
 Polyethylene resin (HDPE)
 Polyethylene resin (LDPE)
 Polyethylene resin, scrap
 Polyethylene resin, wax (low molecular weight)
 Polyethylene resin, latex
 Polyethylene resins
 *Polyethylene resins, compounded
 *Polyethylene, chlorinated
 *Polyimides
 *Polypropylene resins

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Polystyrene (crystal)
 Polystyrene (crystal) modified
 *Polystyrene -- copolymers
 *Polystyrene -- acrylic latexes
 Polystyrene impact resins
 Polystyrene latex
 Polystyrene, expandable
 Polystyrene, expanded
 *Polysulfone resins
 Polyvinyl acetate
 *Polyvinyl acetate -- PVC copolymers
 *Polyvinyl acetate copolymers
 *Polyvinyl acetate resins
 Polyvinyl alcohol resin
 Polyvinyl chloride
 Polyvinyl ether -- maleic anhydride
 *Polyvinyl formal resins
 *Polyvinylacetate -- methacrylic copolymers
 *Polyvinylacetate acrylic copolymers
 *Polyvinylacetate -- 2-ethylhexylacrylate copolymers
 Polyvinylidene chloride
 *Polyvinylidene chloride copolymers
 *Polyvinylidene -- vinyl chloride resins
 *PVC copolymers, acrylates (Latex)
 *PVC copolymers, ethylene -- vinyl chloride
 *Rosin derivative resins
 *Rosin modified resins
 *Rosin resins
 *SAN resins
 *Silicones: Silicone resin
 *Silicones: Silicone rubbers
 *Styrene -- maleic anhydride resins
 Styrene polymeric residue
 *Styrene -- acrylic copolymer resins
 *Styrene -- acrylonitrile --acrylates copolymers
 *Styrene -- butadiene resins
 *Styrene -- butadiene resins (less than 50% butadiene)
 *Styrene -- butadiene resins (Latex)
 *Styrene -- divinyl benzene resins (ion exchange)
 *Styrene -- methacrylate terpolymer resins
 *Styrene -- methyl methacrylate copolymers
 *Styrene, butadiene, vinyl toluene terpolymers
 *Sulfonated styrene -- maleic anhydride resins
 *Unsaturated polyester resins
 *Vinyl toluene resins
 *Vinyl toluene -- acrylate resins
 *Vinyl toluene -- butadiene resins

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- *Vinyl toluene -- methacrylate resins
 *Vinylacetate -- n-butylacrylate copolymers
 b) Specialized definitions. None.
 c) Existing sources:
 1) The Board incorporates by reference 40 CFR 414.45 (~~41992~~) (1993) as amended at 58 Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.
 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) above shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 d) New sources:
 1) The Board incorporates by reference 40 CFR 414.46 (~~41992~~) (1993) as amended at 58 Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.
 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) above shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 307.2404 Thermosetting Resins

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 28214 thermosetting resins and thermosetting resin groups, listed below. Product groups are indicated with an asterisk (*).
 *Alkyd resins
 Dicyanodiamide resin
 *Epoxy resins
 *Fumaric acid polyesters
 *Furan resins
 Glyoxal -- urea formaldehyde textile resin
 *Ketone -- formaldehyde resins
 *Melamine resins
 *Phenolic resins
 *Polyacetal resins
 *Polyacrylamide
 *Polyurethane prepolymers
 *Polyurethane resins
 *Urea formaldehyde resins
 *Urea resins
 b) Specialized definitions. None.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- c) Existing sources:
 1) The Board incorporates by reference 40 CFR 414.55 (~~41992~~) (1993) as amended at 58 Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.
 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) above shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 d) New sources:
 1) The Board incorporates by reference 40 CFR 414.56 (~~41992~~) (1993) as amended at 58 Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.
 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) above shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 307.2405 Commodity Organic Chemicals

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 2865 or 2869, commodity organic chemicals and commodity organic chemical groups, listed below. Product groups are indicated with an asterisk (*).
 1) Aliphatic organic chemicals
 Acetaldehyde
 Acetic acid
 Acetic anhydride
 Acetone
 Acrylonitrile
 Adipic acid
 *Butylenes (Butenes)
 Cyclohexane
 Ethanol
 Ethylene
 Ethylene glycol
 Ethylene oxide
 Formaldehyde
 Isopropanol
 Methanol
 Polyoxypropylene glycol
 Propylene

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Propylene oxide
Vinyl acetate
1,2-Dichloroethane
1,3-Butadiene
- 2) Aromatic organic chemicals
Benzene
Cumene
Dimethyl terephthalate
Ethylbenzene
m-Xylene (impure)
p-Xylene
Phenol
*Pitch tar residues
Pyrolysis gasolines
Styrene
Terephthalic acid
Toluene
*Xylenes, mixed
o-Xylene

- 3) Halogenated organic compounds
Vinyl chloride

- b) Specialized definitions. None.
c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.65 (~~1992~~) (1993) as amended at 58 Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) above shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.66 (~~1992~~) (1993) as amended at 58 Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) above shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) For discharges of wastewater resulting from the manufacture of butadiene by any process which includes the oxidative dehydrogenation of butene, "new source" means any building, structure, facility or installation the construction of which commenced after December 17, 1973. For other sources, "new source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 307.2406 Bulk Organic Chemicals

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 2865 or 2869, bulk organic chemicals and bulk organic chemical groups, listed below. Product groups are indicated with an asterisk (*).

- 1) Aliphatic organic chemicals

- *Acetic acid esters
- *Acetic acid salts
- Acetone cyanohydrin
- Acetylene
- Acrylic acid
- *Acrylic acid esters
- *Alkoxy alkanols
- *Alkylates
- *alpha-olefins
- Butane (all forms)
- C-4 hydrocarbons (unsaturated)
- Calcium stearate
- Caprolactam
- Carboxymethyl cellulose
- Cellulose acetate butyrates
- *Cellulose ethers
- Cumene hydroperoxide
- Cyclohexanol
- Cyclohexanol, cyclohexanone (mixed)
- Cyclohexanone
- Cyclohexene
- *C12 -- C18 primary alcohols (mixed)
- *C5 concentrates
- *C9 concentrates
- Decanol
- Diacetone alcohol
- *Dicarboxylic acids -- salts
- Diethyl ether
- Diethylene glycol
- Diethylene glycol diethyl ether
- Diethylene glycol dimethyl ether
- Diethylene glycol monoethyl ether
- Diethylene glycol monomethyl ether
- *Dimer acids
- Dioxane
- Ethane
- Ethylene glycol monophenyl ether
- *Ethoxylates, miscellaneous
- Ethylene glycol dimethyl ether
- Ethylene glycol monobutyl ether

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Ethylene glycol monoethyl ether
 Ethylene glycol monomethyl ether
 Glycerine (synthetic)
 Glyoxal
 Hexane
 *Hexane and other C6 hydrocarbons
 Isobutanol
 Isobutylene
 Isobutyraldehyde
 Isophorone
 Isophthalic acid
 Isoprene
 Isopropyl acetate
 Ligninsulfonic acid, calcium salt
 Maleic anhydride
 Methacrylic acid
 *Methacrylic acid esters
 Methane
 Methyl ethyl ketone
 Methyl methacrylate
 Methyl tert-butyl ether
 Methyl isobutyl ketone
 n-alkanes
 n-butyl alcohol
 n-butyl acetate
 n-butyraldehyde
 n-butyric acid
 n-butyric anhydride
 *n-paraffins
 n-propyl acetate
 n-propyl alcohol
 Nitrotriacetic acid
 Nylon salt
 Oxalic acid
 *Oxo aldehydes -- alcohols
 Pentaerythritol
 Pentane
 *Pentenes
 *Petroleum sulfonates
 Pine oil
 Polyxybutylene glycol
 Polyxyethylene glycol
 Propane
 Propionaldehyde
 Propionic acid
 Propylene glycol
 sec-butyl alcohol
 Sodium formate

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Sorbitol
 Stearic acid, calcium salt (wax)
 tert-butyl alcohol
 1-Butene
 1-Pentene
 1,4-Butanediol
 Isobutyl acetate
 2-Butene (cis and trans)
 2-Ethylhexanol
 2-Ethylbutyraldehyde
 2,2,4-Trimethyl-1, 3-pentanediol
 2,4-Diaminotoluene
 *Alkyl amines
 Aniline
 Caprolactam, aqueous concentrate
 Diethanolamine
 Diphenylamine
 *Ethanolamines
 Ethylamine
 Ethylenediamine
 Ethylenediaminetetraacetic acid
 *Fatty amines
 Hexamethylenediamine
 Isopropylamine
 m-Toluidine
 Melamine
 Melamine crystal
 *Methylamines
 Methylene dianiline
 n-butylamine
 N,N-diethylaniline
 N,N-dimethylformamide
 *Nitroanilines
 Polymeric methylene dianiline
 sec-butylamine
 tert-butylamine
 Toluenediamine (mixture)
 *Toluidines
 o-Phenylenediamine
 1,4-Phenylenediamine dihydrochloride
 2,6-Dimethylaniline
 4-(N-Hydroxyethyl)ethylamine-2-hydroxyethyl
 aniline
 4,4'-Methylenebis(N,N'-dimethyl) aniline
 4,4'-Methylenedianiline
 3) Aromatic organic chemicals
 alpha-methylstyrene

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- *Alkyl benzenes
- *Alkyl phenols
- *Alkylbenzene sulfonic acids, salts
- Aminobenzoic acid (meta and para)
- beta-naphthalene sulfonic acid
- Benzenedisulfonic acid
- Benzoic acid
- Bis(2-ethylhexyl)phthalate
- Bisphenol A
- BTX -- benzene, toluene, xylene (mixed)
- Butyl octyl phthalate
- Coal tar
- *Coal tar products (miscellaneous)
- Creosote
- *Cresols, mixed
- Cyanuric acid
- *Cyclic aromatic sulfonates
- Dibutyl phthalate
- Diisobutyl phthalate
- Diisodecyl phthalate
- Diisooctyl phthalate
- Dimethyl phthalate
- Dinitrotoluene (mixed)
- Ditridecyl phthalate
- m-Cresol
- Metanilic acid
- Methylenediphenyldiisocyanate
- Naphthalene
- *Naphthas, solvent
- Nitrobenzene
- Nitrotoluene
- Nonylphenol
- p-Cresol
- Phthalic acid
- Phthalic anhydride
- *Tars -- pitches
- tert-butylphenol
- *Toluenediisocyanates (mixture)
- Trimellitic acid
- o-cresol
- 1-Tetralol, 1-tetralone mix
- 2,4-Dinitrotoluene
- 2,6-Dinitrotoluene
- 4) Halogenated organic chemicals
 - Allyl chloride
 - Benzyl chloride
 - Carbon tetrachloride
 - *Chlorinated paraffins, 35-44% chlorine

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Chlorobenzene
- *Chlorobenzenes (mixed)
- Chlorodifluoroethane
- Chloroform
- *Choromethanes
- 2-Chloro-5-methylphenol (6-Chloro-m-cresol)
- *Chlorophenols
- Chloroprene
- Cyanogen chloride
- Cyanuric chloride
- Dichloropropane
- Epichlorohydrin
- Ethyl chloride
- *Fluorocarbons (Freons)
- Methyl chloride
- Methylene chloride
- Pentachlorophenol
- Phosgene
- Tetrachloroethylene
- Trichloroethylene
- Trichlorofluoromethane
- Vinylidene chloride
- 1,1,1-Trichloroethane
- 1,1,1-Trichloroethane
- 2,4-Dichlorophenol
- 5) Other organic chemicals
 - Adiponitrile
 - Carbon disulfide
 - Fatty nitriles
 - *Organo-tin compounds
 - *Phosphate esters
 - Tetraethyl lead
 - Tetramethyl lead
 - *Urethane prepolymers
- 6) Specialized definitions. None.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 414.75 ~~(1991)~~ (1993) as amended at 58 Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) above shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 414.76 ~~(1991)~~ (1993) as amended at 58 Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

reference in subsection (d)(1) above shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 307.2407 Specialty Organic Chemicals

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of any SIC 2865 or 2869 organic chemicals and organic chemical groups which are not defined as commodity or build organic chemicals in Section 307.2405 or 307.2406.
- b) Specialized definitions. None.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.85 (~~1991~~) (1993) as amended at 58 Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.86 (~~1991~~) (1993) as amended at Fed. Reg. 36892 (July 9, 1993). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 307.2410 Indirect Discharge Point Sources

- a) Applicability. This Section applies to discharge of process wastewater resulting from the manufacture of the OCPSP products and product groups defined by 40 CFR 414.11 (1993) from any indirect discharge point source.

- b) Specialized definitions. None.

c) Existing sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) The Board incorporates by reference 40 CFR 414.111 as adopted at 58 Fed. Reg. 36893 (July 9, 1993). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources. All sources are treated as existing sources.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 307.2490 Non-complexed Metal-bearing and Cyanide-bearing Wastestreams

The Board incorporates by reference 40 CFR 414, Appendix A (1993) (~~1992~~) as amended at 57 Fed. Reg. 41044 (~~Sept-17-1992~~). This incorporation includes no later amendments or editions.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 307.2491 Complexed Metal-bearing Wastestreams

The Board incorporates by reference 40 CFR 414, Appendix B (1993) (~~1992~~) as amended at 57 Fed. Reg. 41044 (~~Sept-17-1992~~). This incorporation includes no later amendments or editions.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART CD: PESTICIDE CHEMICALS

Section 307.6500 General Provisions

- a) General definitions. The Board incorporates by reference 40 CFR 455.10 (~~1986~~) (1993), as amended at 51 Fed. Reg. 44911 (~~December-15-1986~~) 58 Fed. Reg. 50638 (September 28, 1993). This incorporation includes no later amendments or editions.

- b) Compliance date. The Board incorporates by reference 40 CFR 455.11, as added at 58 Fed. Reg. 50689 (September 28, 1993). This incorporation includes no later amendments or editions.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 307.6501 Organic Pesticide Chemicals Manufacturing

- a) Applicability.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) The Board incorporates by reference 40 CFR 455.20 ~~(1986)~~ (1993), as amended at 51-Ped.-Reg.-4917-December-15-1986 58 Fed. Reg. 50638 (September 28, 1993). This incorporation includes no later amendments or editions.
- 2) This Section applies to discharges resulting from any plant which manufactures organic pesticide chemicals, as defined in the materials incorporated by reference in subsection (a)(1).
- b) Specialized definitions. The Board incorporates by reference 40 CFR 455.21 ~~(1986)~~ (1993) as amended at 58 Fed. Reg. 50638 (September 28, 1993). This incorporation includes no later amendments or editions.
- c) Existing sources: ~~These sources shall comply with the general and specific pretreatment requirements of Subpart B.~~
- 1) The Board incorporates by reference 40 CFR 455.26 as added at 58 Fed. Reg. 50690 (September 28, 1993). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources: ~~All sources are regulated as existing sources.~~
- 1) The Board incorporates by reference 40 CFR 455.27 as added at 58 Fed. Reg. 50690 (September 28, 1993). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 307.6502 Metallo-Organic Pesticides Chemicals Manufacturing

- a) Applicability. This Section applies to discharges resulting from the manufacture of metallo-organic active ingredients containing mercury, cadmium, arsenic or copper. The manufacture of the intermediates used to manufacture the active ingredients are excluded from this Section.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 455.31 ~~(1986)~~ (1993). This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of 307.6502 Subpart B.
- d) New sources: All sources are regulated as existing sources.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 307.6503 Pesticide Chemicals Formulating and Packaging

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) Applicability. This Section applies to discharges resulting from all pesticide formulating and packaging operations.
- b) Specialized definitions. None.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of 307.6503 Subpart B.
- d) New sources: All sources are regulated as existing sources.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Interior Design Profession Title Act

2) Code Citation: 68 Ill. Adm. Code 1255

3) Section Numbers: Proposed Action:

1255.10	Repeal
1255.15	New Section
1255.20	Amendment
1255.30	Amendment
1255.40	Amendment
1255.50	Amendment
1255.60	Amendment
1255.70	Amendment
1255.80	Amendment

4) Statutory Authority: Implementing Sections 4, 5, 8, 9 and 10 of the Interior Design Profession Title Act [225 ILCS 310/4, 5, 8, 9 and 10].

5) A Complete Description of the Subjects and Issues Involved: P.A. 88-650, Section 10, effective September 16, 1994, requires the Department of Professional Regulation to license residential interior designers. This rulemaking incorporates residential interior designers into the existing rules for interior designers. The new material contains application and renewal procedures, along with experience and education standards for residential interior designers.

Section 1255.10, which described application procedures for the grandfather licensure of interior designers, is repealed. New Section 1255.15 covers grandfather licensure for residential interior designers, who must have their applications postmarked no later than midnight September 16, 1995.

The Council for Qualifications of Residential Interior Designers (CQRID) is established as the examination required for residential interior design licensure.

For applicants seeking residential interior design licensure by endorsement, the Department will accept certification from the Council for Residential Interior Designers.

The first renewal period for registration as a residential interior designer is established as August 31, 1997. Thereafter, renewal will be August 31 of odd-numbered years.

Choices for a person seeking to restore a residential interior designer license that has been expired or placed on inactive status for more than five years are listed, including proof of passage of the CQRID examination during the period the registration was lapsed or on inactive status.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no effect on local governments.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation

Attention: Jean A. Courtney

320 West Washington, 3rd Floor

Springfield, IL 62786

217/785-0800

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those offering interior design or residential interior design services.

B) Reporting, bookkeeping or other procedures required for compliance: Applicants for residential interior design registration under grandfather provisions must have their applications postmarked no later than midnight September 16, 1995. Successful applicants will be able to renew their registration every two years, starting with the August 31, 1997, renewal.

C) Types of professional skills necessary for compliance: Interior design skills are necessary for licensure.

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: Notice of these Proposed Amendments was included in the January 1995 regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

- 3) A complete work history;
- 4) The required fee set forth in Section 117 of the Act; and
- 5) Certification on forms provided by the Department from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently registered/licensed, if applicable; stating:
 - A) The time during which the applicant was registered in that jurisdiction including the date of the original issuance of the registration;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

PART 1255
INTERIOR DESIGN PROFESSION TITLE ACT

- Section 1255.10 Application for Registration Under Section 8(c) of the Act (Grandfather) (Repealed)
- 1255.15 Application for Registration as a Residential Interior Designer Under Section 8(c-5) of the Act (Grandfather)
- 1255.20 Application for Registration
- 1255.30 Approved Programs of Interior Design
- 1255.40 Full-time Diversified Professional Experience
- 1255.50 Endorsement
- 1255.60 Renewal
- 1255.70 Inactive Status
- 1255.80 Restoration
- 1255.90 Granting Variances

AUTHORITY: Implementing the Interior Design Profession Title Act [225 ILCS 310] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 17411, effective November 19, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 3194, effective February 18, 1992; amended at 19 Ill. Reg. _____, effective _____.

Section 1255.10 Application for Registration Under Section 8(c) of the Act (Grandfather) (Repealed)

- a) Any person seeking registration without examination under Section 8(c) of the Interior Design Profession Title Act (P.A. 86-1404, effective July 17, 1993) (the "Act") shall file an application with the Department of Professional Regulation (the "Department") on forms provided by the Department. The application shall be postmarked no later than midnight June 30, 1992, and shall include the following:
 - 1) Verification on forms provided by the Department or documentation of at least 8 years of full-time diversified professional experience in interior design as defined in Section 3(f) of the Act and Section 1255.40 of this Part; or
 - 2) Verification on forms provided by the Department or documentation of a combination of full-time diversified professional experience as defined in Section 3(f) of the Act and Section 1255.40 of this Part and interior design education as set forth in Section 1255.30 to equal 8 years.

- b) Education shall be from an accredited college, school or university offering a program in interior design and include the curriculum set forth in Section 1255.30.
- c) Experience shall be documented in one or more of the following ways:
 - 1) Certification of experience on forms provided by the Department;
 - 2) Submission of three affidavits from clients, peers or colleagues familiar with the applicant's work;
 - 3) Submission from a professional interior design organization that the applicant has an active professional status in the organization. The Department upon recommendation of the Board of Interior Design Professionals (the "Board") has determined that 6 years of credit toward education and experience will be granted an applicant who holds professional status in one of the following organizations: American Society of Interior Designers (ASIB); the Interior Design Society (IDS); the Institute of Business Designers (IBD); the International Society of Interior Designers (ISID); Institute of Store Planners (ISP); and the Governing Board for Contract Interior Design Standards.

- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification the applicant seeking registration shall be requested to:
 - 1) Provide such information as may be necessary; and
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Repealed at 19 Ill. Reg. _____, effective _____.)

Section 1255.15 Application for Registration as a Residential Interior Designer Under Section 8(c-5) of the Act (Grandfather)

- a) Any person seeking registration as a residential interior designer

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

without examination under Section 8(c-5) of the Interior Design Profession Title Act (the Act) shall file an application with the Department of Professional Regulation (the Department) on forms provided by the Department. The application shall be postmarked no later than midnight September 16, 1995, and shall include the following:

- 1) Verification, on forms provided by the Department, of documentation of at least 5 years of full-time, diversified professional experience in residential interior design as defined in Section 3 of the Act and Section 1255.40 of this Part; or
 - 2) Verification, on forms provided by the Department, of documentation of a combination of full-time, diversified professional experience as defined in Section 3 of the Act and Section 1255.40 of this Part and interior design education as set forth in Section 1255.30 to equal 5 years;
 - 3) A complete work history;
 - 4) The required fee set forth in Section 11(a) of the Act; and
 - 5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:
 - A) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the registration;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) Education shall be from an accredited college, school or university offering a program in interior design and include the curriculum set forth in Section 1255.30.
- c) Experience shall be documented in one or more of the following ways:
- 1) Certification of experience, on forms provided by the Department;
 - 2) Submission of 3 affidavits from clients, peers or colleagues familiar with the applicant's work;
 - 3) Submission from one of the following professional interior design organizations that the applicant has an active professional status in the organization: American Society of Interior Designers (ASID); the Interior Design Society (IDS); the International Interior Designer Association (IIDA); Institute of Store Planners (ISP); and the Governing Board for Contract Interior Design Standards. The Department, upon recommendation of the Board of Interior Design Professionals (the Board), has determined that 3 years of credit toward education and experience will be granted an applicant who holds professional status in one of these organizations.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking registration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1255.20 Application for Registration

- a) An applicant for registration as an interior designer or a residential interior designer shall file an application, on forms provided by the Department, which includes the following:
- 1) Certification submitted to the Department from:
 - A) The National Council for Interior Design Qualifications (NCIQD) indicating the successful completion of the NCIQD examination for an interior design license;
 - B) The Council for Qualifications of Residential Interior Designers (CQRID) indicating the successful completion of the CQRID examination for a residential interior design license;
 - 2) Proof of Education/Experience
 - A) Certification of graduation and official transcripts from a 5 year interior design program as set forth in Section 1255.30 and at least 2 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or
 - B) Certification of graduation and official transcripts from an approved 4 year interior design program and at least 2 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or
 - C) Certification of completion and official transcripts of at least 3 years of interior design curriculum from an approved program and at least 3 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or
 - D) Certification of graduation and official transcripts from an approved 2 year interior design program and at least 4 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part;
 - 3) A complete work history; and
 - 4) The fee required by Section 11(a)(1) of the Act.
- b) An individual who holds an active license as an architect in Illinois

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

pursuant to the Illinois Architecture Practice Act of 1989 (111-Rev. Stat. 1989-CH-111-PART-340+ET-SEQ) [225 ILCS 305] shall be issued a certificate of registration as an interior designer or a residential interior designer without examination as provided in Section 8(d) of the Act upon an application to the Department upon payment of a fee of \$40.00.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 1255.30 Approved Programs of Interior Design

a) The Department shall, upon recommendation of the Board, approve an interior design program if it meets the following minimum criteria:

- 1) The educational institution is/was legally recognized and authorized, through appropriate agencies such as a ministry of education or higher education governing board, by the jurisdiction in which it is located at the time the degree/certificate was obtained to confer any of the degrees/certificates required for registration in accordance with Section 8 of the Act;
- 2) Permanent student records are maintained by the institution which summarize the credentials for admission, attendance, grades and other records of performance;
- 3) The program has a designated director and a sufficient number of instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by degrees in their area(s) of teaching from professional colleges or institutions;
- 4) The curriculum is at least 2 academic years that provides educational experience with practical application encompassing:
 - A) Drafting
 - B) Two-Dimensional Design
 - C) Three-Dimensional Design
 - D) Design and Composition Fundamentals
 - E) Color Theory
 - F) Fundamentals of Residential Design
 - G) Fundamentals of Non-Residential Design
 - H) Building Systems
 - I) Materials
 - J) Codes and Ordinances
 - K) Presentation Skills
 - L) Business Practices and Management
 - M) History of Art, Architecture and Design;

5) A 2 year program shall include 4 or more of the above courses set forth in subsection (a)(4) above and be a minimum of 60 semester hours;

6) A 3 year program shall include 6 or more of the above courses set

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

forth in subsection (a)(4) above and be a minimum of 90 semester hours;

7) A 4 or 5 year program shall include 8 or more of the courses set forth in subsection (a)(4) above and be a minimum of 120 semester hours.

b) In determining whether a program should be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the Foundation for Interior Design Education Research (FIDER).

c) The Department has determined that all interior design programs accredited or approved by FIDER as of July 1, 1991 1995, meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 1255.40 Full-time Diversified Professional Experience

a) Full-time diversified professional experience in interior design/residential interior design shall meet the minimum requirements as defined in Section 3(f) of the Act and shall be in any one or combination of the following interior design related fields:

- 1) Commercial Design
- 2) Institutional/Educational
- 3) Governmental
- 4) Hospitality/Restaurant
- 5) Facilities Management
- 6) Residential Design
- 7) Kitchen/Bath
- 8) Store Planning/Retail
- 9) Industrial/Manufacturing
- 10) Health Care

b) All experience shall have been acquired after completion of a minimum of 2 years of a design or interior design related education program. This subsection does not apply to applicants applying pursuant to Section 1255.151255+0 of this Part.

c) "Full-time" experience is defined as a minimum of 1,800 hours during a 12 month period. No more than one year credit will be given in a 12 month period.

d) "Part-time" experience is defined as a minimum of 900 hours during a 12 month period. No more than one half year credit will be given in a 12 month period.

e) Approved professional experience consists of successful performance of work relating to interior design services or residential interior design services as described in Section 3(f) of the Act, verified by a supervising interior designer, architect or owner/manager in an interior design setting.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

- f) One year of experience will be granted for 2 academic years of full-time teaching experience as defined by the institution in an approved interior design program. A maximum of one year of experience for teaching will be awarded. Any teaching experience claimed must be validated by an official of the school offering the design program.
- g) An applicant cannot earn more than 40 hours per week of approved experience (i.e., overtime does not qualify for additional approved experience).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1255.50 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to register as an interior designer or residential interior designer shall file an application with the Department, on forms provided by the Department, which includes:

- 1) Certification of an interior design or residential interior design degree from a program approved by the Department in accordance with Section 1255.30 of this Part or prior to July 17, 1997 meeting education/experience requirements set forth in Section 1255.10 of this Part;
- 2) Certification of professional experience as set forth in Section 1255.40 of this Part;
- 3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant predominantly practices and is currently licensed/registered, stating:
 - A) The time during which the applicant was licensed/registered;
 - B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending; and
 - C) Examination(s) taken and examination score(s) received;
- 4) A complete work history; and
- 5) The required fee as set forth in Section 11(a)(3) of the Act.

- b) In lieu of subsection (a)(1) and (2), the Department shall accept certification from the National Council for Interior Design Qualification and Council for Residential Interior Designers.

c) The Department may require additional information to determine:

- 1) if the requirements in the state, territory of the United States or foreign country at the time the applicant was licensed/registered were substantially equivalent to the requirements then in effect in Illinois; or
- 2) if the requirements of another state, territory of the United States or foreign country together with education and professional experience qualifications of the applicant are

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

substantially equivalent to the requirements in Illinois at the time of application.

- d) The Department, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification from the National Council of Interior Design Qualifications of Council for Residential Interior Designers; education, training, and experience, including, but not limited to, whether the applicant has had special honors or awards, has had articles published in professional journals, or has written textbooks relating to interior design; and any other attribute which the Director of the Department accepts as evidence that the applicant has outstanding and proven ability in interior design.
- e) The Department shall either issue registration by endorsement or notify the applicant in writing of the reasons for denying the application.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1255.60 Renewal

- a) ~~The first renewal period for registration issued under the Act shall expire on August 31 of odd-numbered years. The holder of a registration may renew such registration during the month preceding the expiration date by paying the required fee.~~ ~~The first renewal period for registration as a residential interior designer shall be August 31, 1997. Thereafter, renewal for a residential interior designer shall be in accordance with subsection (a) above.~~
- b) ~~It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's registration.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1255.70 Inactive Status

- a) Registered interior designers or registered residential interior designers who notify the Department in writing on forms provided by the Department may elect to place their registration on inactive status and shall be excused from the payment of renewal fees until they notify the Department in writing of the desire to resume active status.
- b) Any registered interior designer or registered residential interior designer seeking restoration from inactive status shall do so in

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENT(S)

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENT(S)

accordance with Section 1255.90 of this Part.
c) Any person whose registration is on inactive status shall not use the title "interior designer" or "residential interior designer" in the State of Illinois.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1255.80 Restoration

- a) Any interior designer or residential interior designer whose registration has expired or has been placed on inactive status for 5 years or less may have the certificate of registration restored by paying the fees required by Section 11(5) of the Act.
- b) Any person seeking restoration of a certificate of registration which has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 11(5) of the Act. The applicant shall also submit at least one of the following:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 9 of the Act; or
 - 3) Proof of passage of the NCIDQ examination for an interior designer license during the period the registration was lapsed or on inactive status; or
 - 4) Proof of passage of the CORID examination for a residential interior design license during the period the registration was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation, or the relevance of sufficiency of the course work or experience is questioned by the Department, because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant seeking restoration of a registration shall be required to:
- 1) Provide such information as may be necessary; and/or
 - 2) Explain such relevance or sufficiency during an oral interview; or
 - 3) Appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act.
- d) Upon the recommendation of the Board, and approval by the Director, an applicant shall have his/her registration restored or be notified in writing of the reason for denying the application.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: The Illinois Nursing Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1300

3) Section Numbers: Proposed Action:

1300.20 Amendment
1300.30 Amendment
1300.40 Amendment

4) Statutory Authority: [225 ILCS 65/10, 14, 15 and 19]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates Sections of the nursing rules pertaining to application for examination, licensure by endorsement and approval of education programs.

In Section 1300.20, language was removed concerning the issuance of work permits for applicants determined eligible for licensure except for passing the examination. The exam is now computerized and can be taken upon request; thus, eliminating the need for the Department to issue work permits. A subsection pertaining to applicants who fail to demonstrate fulfillment of educational requirements is moved to improve clarity.

In Section 1300.30, a subsection is added for applicants who received their education outside of the United States, including application requirements for those who are exempt from taking the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination. Other new language in the Endorsement Section states that each applicant for a temporary endorsement permit will have his/her license checked on the National Council Network (NCFNET) disciplinary data bank to determine if any disciplinary action is pending on the applicant's file.

In Section 1300.40, two changes were made in response to recommendations made by the nursing education community and the State Committee on Nursing. One changes the ratio of students to faculty in the clinical area from 12 to 1 to a maximum of 10 to 1. The other allows approved clinical experience to be obtained with a registered nurse preceptor rather than limiting it to that provided under direct supervision of qualified faculty.

Numerous style and grammar changes also are made.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0800; Fax #: (217) 782-7645

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing licensed or registered nurses and those providing education programs for nurses.

B) Reporting, bookkeeping or other procedures required for compliance: Applicants who are exempt from taking the CGFNS examination will be required to submit a copy of the evaluation of nursing education credentials submitted by a Department-approved nursing credentialing evaluation service. Nursing education programs desiring to make a major revision to the curriculum will be required to submit to the Department 15 copies, instead of the current 10 copies, of the proposed changes.

C) Types of professional skills necessary for compliance: Nursing skills are necessary for licensure.

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: It was included in the January 1995 regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENT(S)

a) Each applicant shall file, with the testing service designated by the Department of Professional Regulation (the "Department"), a completed, signed application, on forms supplied by the Department, at least 60 calendar days prior to the examination date. The application shall include:

- 1) proof of graduation from a nursing education program which meets the requirements of Section 1300.40 of this Part;
- 2) signature of the Director of the nursing education program or other person designated by the Director of the nursing education program;
- 3) a complete work history since graduation from a practical nurse education program or a professional nurse education program whichever came first;
- 4) the required examination fee set forth in Section 23 of the Act;
- 5) proof of passage of the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination is required for all persons applying after January 1, 1984, who completed a nursing education program in a country other than the United States or its territories; or
- 6) proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 is required for those applicants who submit proof of denial of eligibility to sit for the CGFNS examination and who are licensed in a country other than the United States or its territories and determined educationally prepared in nursing; and
- 7) official transcripts of theory and clinical education prepared by an official of the military for a practical nurse applicant who has received practical nursing education in the military service; official transcripts of theory and clinical education prepared by an official of the military. This education must meet the standards set forth in Section 1300.40.

b) Any applicant who fails to demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being granted temporary authority to practice nursing, as permitted under Section 4(g) or 4(i) of the Act, or being admitted to the examination. Deficiencies in nursing theory and/or clinical practice may be removed by taking the required course(s) in an approved nursing education program.

bc) When the applicant has completed the nursing education program in less than the usual length of time through advanced standing or transfer of credits from one institution to another, the Director of nursing education shall include an explanation in the certification.

c) It shall be the responsibility of the Director of the nursing education program:
1) to notify the Department prior to the examination if any applicant fails to complete the program or meet the requirements for graduation as scheduled; and
2) to submit a work permit request to the Department, per its

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1300
THE ILLINOIS NURSING ACT OF 1987

- Section 1300.10 Definitions
- 1300.20 Application for Examination
- 1300.25 The Licensure Examination
- 1300.27 Application for Licensure on the Basis of Examination
- 1300.30 Licensure by Endorsement
- 1300.40 Approval of Programs
- 1300.41 Approval of Current Nursing Practice Update Course
- 1300.42 Standards of Professional Conduct for Registered Professional Nurses
- 1300.43 Standards of Professional Conduct for Licensed Practical Nurses
- 1300.44 Standards for Pharmacology/Administration of Medication Course for Practical Nurses
- 1300.45 Renewals
- 1300.48 Restoration
- 1300.50 Granting Variances
- 1300.60 Practice of Nursing
- 1300.70 Fines

AUTHORITY: Implementing the Illinois Nursing Act of 1987 [225 ILCS 65] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 4, p. 290, effective January 14, 1980; amended at 5 Ill. Reg. 801, effective January 7, 1981; codified at 5 Ill. Reg. 11044; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10023, effective August 1, 1982; amended at 9 Ill. Reg. 6297, effective April 24, 1985; amended at 9 Ill. Reg. 13355, effective August 21, 1985; amended at 11 Ill. Reg. 18251, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 300 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1300 (Department of Professional Regulation) Pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2938; amended at 12 Ill. Reg. 12088, effective July 12, 1988; amended at 14 Ill. Reg. 10035, effective June 12, 1990; emergency amendment at 15 Ill. Reg. 2855, effective February 5, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 8573, effective May 28, 1991; amended at 17 Ill. Reg. 1572, effective January 25, 1993; amended at 19 Ill. Reg. _____, effective _____.

Section 1300.20 Application for Examination

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

- ~~designated-testing-service-for-an-applicant-who-has-completed-an approved-nursing-education-program--if-the-applicant-has-been determined-eligible-for-licensure-except-for-passing-of-the examination--the-applicant-shall-be-issued-a-permit-which-allows them-to-practice-under-direct-supervision-in-accordance-with Section-4-of-the-Act--the-applicant-shall-not-begin-practice-as-a nurse--licensure-pending--until-notice-is-received-from-the Department.~~
- ~~1) The permit shall be terminated upon:~~
- ~~1) failure of the examination;~~
- ~~2) a violation of the Act or this Part;~~
- ~~3) failure to apply for licensure within one year after passing the examination.~~
- ~~e) Credentials of education and licensure, if not in English, shall be accompanied by a certified translation.~~
- ~~f) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Department.~~
- ~~g) Any applicant who cannot demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being granted temporary authority to practice nursing as permitted under Section 4(g) or 4(f) of the Act or being admitted to the examination. Deficiencies in nursing theory and/or clinical practice may be removed by taking the required courses in an approved nursing education program.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 1300.30 Licensure by Endorsement

- a) ~~Endorsement-Application-Procedure--1) Each applicant shall file a completed, signed application for licensure on the basis of endorsement, on forms supplied by the Department. The application shall include:~~
- ~~A) the required fee in Section 23(e) of the Act;~~
- ~~B) proof of graduation from a nursing education program which that meets the requirements of Section 1300.40; and~~
- ~~C) proof of passage of an examination recognized by the Department, upon recommendation of the Committee (i.e., National Council Licensure Examination for Professional Nurses or Practical Nurses, or State Board Test Pool Examination for Professional Nurses or Practical Nurses);~~
- ~~B) a complete work history since graduation from a practical nurse education program or a professional nurse education program, whichever came first;~~
- 5) ~~for applicants who received education outside of the United States;~~
- ~~B) proof of passage of the Commission on Graduates of Foreign~~

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

Nursing Schools (CGFNS) Examination is required of for all persons licensed in their original jurisdictions subsequent to January 1, 1984, who completed their nursing education program in a country other than the United States or its territories. An applicant shall be exempt from taking the CGFNS examination if the applicant:

- i) has passed the examination authorized by the Department as set forth in Section 1300.25;
- ii) holds an active, unencumbered license in another state; and
- iii) has been actively practicing for a minimum of 2 years in the other state.

Applicants who are exempt from taking the CGFNS examination shall submit a copy of the evaluation (the Nursing and Science Course Report) of nursing education credentials submitted by a Department approved nursing credentialing evaluation service. The Department has determined, upon recommendation of the Committee, that the Commission on Graduates of Foreign Nursing Schools is an approved evaluation service;

F) proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 is required of those applicants who submit proof of denial of eligibility to sit for the CGFNS examination and who are licensed in a country other than the United States or its territories if determined educationally prepared in nursing;

6) for a practical nurse applicant who has received his practical nursing education in the military service, official transcripts of theory and clinical education prepared by an official of the military for a practical nurse applicant who has received his/her education in the military service. Education must meet the standards for education as set forth in Section 1300.40;

7) Verification of licensure status from all states and/or foreign jurisdiction in which licensure has ever been granted and verification of licensure status from the foreign jurisdiction in which the applicant has most recently practiced;

and

8) a certified translation for all credentials credentials of education and licensure, if not in English, shall be accompanied by a certified translation.

4) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Department.

5) Deficiencies in nursing theory and/or clinical practice may be removed by taking the required course(s) in an approved nursing education program.

6) Each applicant for licensure by endorsement who, in connection with his/her original registration, was not tested on subject matter substantially equivalent to that required of Illinois nurses at such

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

time, shall be required to take and pass, before a license will be issued by the Department, that subject matter not previously taken and passed.

7)e) Compliance with the provisions of Sections 1300.25(b)(3) and 1300.25(c)(3) for each registered professional nurse applicant and each practical nurse applicant, respectively, shall be a requirement for Illinois nurse licensure by endorsement.

8) ~~Each applicant who graduated from a professional nursing education program after August 17, 1967, must furnish proof of having completed a course in psychiatric nursing with a theory and clinical component.~~

9) ~~Each applicant who graduated from a nursing education program after 1958 must have completed a course in obstetric nursing with a theory and clinical component.~~

f)b) Eligibility for Practical Nurse Endorsement. A candidate who is unable to pass the registered professional nurse examination in another jurisdiction and is allowed to write the practical nurse examination in that jurisdiction and is subsequently licensed as a practical nurse in that jurisdiction is not eligible for endorsement in Illinois unless and until such candidate has graduated from an approved practical nursing education program.

g)e) Sections of Examinations Passed in More Than One State Prior to the Implementation of the Single Score Examination. The Department will grant an Illinois license as a registered professional nurse to an individual who has been licensed in another state and who is otherwise qualified for licensure in Illinois, whether or not all areas of the licensure examination were written in the same jurisdiction, if said examination(s) were written subsequent to February 1, 1976. If said examinations were written prior to February 1, 1976, the Department will review the individual's case to determine substantial equivalence under subsection (a)(6)(d) above.

h)d) Individuals applying for licensure by endorsement may apply to the Department, on forms provided by the Department, to receive a Temporary Endorsement Permit pursuant to P.A. 86-1472 Section 19(b) of the Act. Such permit shall allow the applicant to work pending the issuance of a license by endorsement.

1) The temporary endorsement permit application shall include:
A) a completed, signed endorsement application, along with the required endorsement licensure fee as set forth in Section 23(e) of the Act. All supporting documents shall be submitted to the Department before a permanent license by endorsement shall be issued;

B) photostatic copies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions. Current active licensure in at least one United States jurisdiction is required. Each applicant's license will be checked on the National Council Network (NCNET) disciplinary data bank to determine if any disciplinary action is pending

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

on the applicant's file; and
C) the temporary endorsement permit fee for a temporary permit as required in Section 19(b)(9)(4) of this Act.

2) The Department shall issue a temporary endorsement permit no later than 14 days after receipt of a completed application as set forth in subsection (b)(1) above.

3) Temporary permits shall be terminated upon:

- A) the issuance of a permanent license by endorsement;
- B) failure to complete the application process within six(6) months from the date of issuance of the permit;
- C) a finding by the Department that the applicant has been convicted of any crime under the laws of any jurisdiction of the United States which is a:
 - i) felony, or
 - ii) misdemeanor directly related to the practice of nursing within the last 5 years;

D) a finding by the Department that the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois, within the last 5 years; or
E) a finding by the Department that the applicant does not meet the licensure requirements for endorsement as set forth in this Section. The Department shall notify the applicant in writing of such termination.

4) The Department shall notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsection (D) and (E) above and/or Section 25 of the Act.

4) A temporary permit shall be extended beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship as defined below:

- A) serving full-time in the Armed Forces;
- B) an incapacitating illness as documented by a currently licensed physician;
- C) death of an immediate family member; or
- D) extenuating circumstances beyond the applicant's control as approved by the Director.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1300.40 Approval of Programs

a) Program Approval

Institutions desiring to establish a new nursing program that would lead to meeting requirements for licensure or change the level of educational preparation of the program or establish an extension of

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

an existing program shall:

- 1) Submit a letter of intent to the Department;
- 2) Provide a feasibility study to the Department, on forms provided by the Department, which includes, at least, documentation of:
 - A) Need for the program in the community;
 - B) Need for graduates of the proposed program;
 - C) Availability of students;
 - D) Impact on existing nursing programs in a 50 mile radius of the proposed program;
 - E) Potential for qualified faculty;
 - F) Adequacy of clinical practicum and academic resources;
 - G) Financial commitment to support the initial and continuing program;
 - H) Community support of the scope and philosophy of the program;
 - I) Authorization by the appropriate education agency of the State of Illinois; and
 - J) A timetable for development of the program and the intended date of the first class beginning.
- 3) Submit 15 to 20 copies of curriculum proposal including:
 - A) Program philosophy and objectives;
 - B) A plan of organization which that is logical and internally consistent;
 - C) Proposed plans of study including requisite and elective courses with rationale;
 - D) Course outlines or syllabi for all nursing courses;
 - E) Student handbook;
 - F) Faculty qualifications;
 - G) Instructional approaches to be employed;
 - H) Evaluation plans for faculty and students; and
 - I) Facilities and utilization plan.

A site visit will be conducted by the Department prior to the program being approved.

- b) Continued Program Approval
 - 1) Nursing education programs shall submit annual evaluation reports to the Department on forms provided by the Department. These reports shall contain information regarding curriculum, faculty and students and other information as deemed appropriate by the Department.
 - 2) Full routine site visits shall be conducted by the Department for periodic evaluation. The visits will be utilized to determine compliance with the Act. Full routine site visits shall be announced. Unannounced site visits may be conducted when the Department obtains evidence which that would indicate that the program is not in compliance with the Act or this Part.
 - 3) A pass rate of graduates on the National Council Licensing Examination (NCLEX) shall be included in the annual evaluation of nursing education programs.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

- A) A pass rate of 75% of first time writers will be required for a school to remain in good standing.
- B) A nursing education program having an annual pass rate of less than 75% of first time writers for one year will receive a written warning of noncompliance from the Department.
- C) A nursing education program having an annual pass rate of less than 75% of first time writers for two consecutive years will receive a site visit for evaluation and recommendation by the Department and will be placed on probation for program revision in accordance with 68 Ill. Adm. Code 1110.
- D) The nursing education program shall have two years to demonstrate evidence of implementing strategies to correct deficiencies and bring the pass rate in line with the 75% criteria.
- E) If two years after implementing of the strategies to correct deficiencies in the program the annual pass rate is less than 75%, the program will be reevaluated. The program will be allowed to continue to operate on a probationary status or will be disapproved and removed from the list of Illinois approved nursing programs in accordance with 68 Ill. Adm. Code 1110.
- c) Major Curricular Revision

Nursing education programs desiring to make a major curricular revision: addition or deletion of content; a substantive change in philosophy or conceptual framework; or length of program shall:

 - 1) Submit a letter of intent to the Department; and
 - 2) Submit 15 to 20 copies of the proposed changes and new material to the Department, at least one term prior to implementation, for Committee recommendation and Department approval in accordance with the standards set forth in subsection (f).
- d) Minor Curricular Revisions

Nursing education programs desiring to make curricular revisions involving reorganization of current course content but not constituting a major curriculum revision shall submit the proposed changes to the Department in their annual report.

Organization and Administration

 - 1) An institution responsible for conducting a nursing education program shall be authorized by the appropriate agency of the State of Illinois (e.g., Illinois Board of Higher Education, State Board of Education, Illinois Community College Board);
 - 2) The relationship of the nursing education program to other units within the sponsoring institution shall be clearly delineated with organizational charts on file with the Department;
 - 3) Nursing education programs shall have clearly defined lines of authority, responsibility and communication;
 - 4) Student input into determination of academic policies and

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

- procedures, curriculum planning and evaluation of faculty effectiveness shall be assured as evidenced by information such as student membership on policy and evaluation committees, policy statements and evaluation procedures.
- 5) Nursing education program policies and procedures shall be in written form, congruent with those of the sponsoring institution, and shall be reviewed by members of the program on a regular schedule;
 - 6) The philosophy, purpose, and objectives of the nursing education program shall be stated in writing and shall be consistent with the sponsoring institution and current social, nursing and educational trends and the Act.
- f) Curriculum and Instruction
- 1) The curriculum shall be based upon the stated program purpose, philosophy and objectives;
 - 2) Levels of progression in relation to the stated program objectives shall be established;
 - 3) Coordinated clinical and theoretical learning experiences shall be consistent with the program objectives;
 - 4) Curricular content shall reflect contemporary nursing practice encompassing major health needs of all age groups;
 - 5) ~~All~~The entire curriculum shall be based on sound nursing, education and instructional principles;
 - 6) The curriculum may include a Nursing Student Internship Cooperative Education Course which that meets the following minimum requirements:
 - A) Must be course available with nursing major and identified on transcript.
 - B) Faculty must meet approved nursing education program qualifications and hold faculty status with educational unit.
 - C) Clinical content must be coordinated with theoretical content.
 - D) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the program and shall work under the direction of a nurse faculty member.
 - E) Students shall not be permitted to practice beyond educational preparation or without faculty supervision.
 - F) Course shall be based on program purpose philosophy, objectives and framework.
 - G) Course evaluation shall be consistent with plan for program evaluation.
 - H) Articles of affiliation shall clearly delineate student, educational institution and health care agency roles and responsibilities;
 - 7) The curriculum shall be evaluated by faculty with student input

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

- according to a stated plan;
- 8) The program shall be approved by the appropriate educational agency;
 - 9) Curriculum for professional nursing programs shall:
 - A) Include, ~~as~~ at a minimum, concepts in anatomy, physiology, chemistry, physics, microbiology, sociology, psychology, communications, growth and development, interpersonal relationships, group dynamics, cultural diversity, pharmacology and the administration of medication, nutrition and diet therapy, patho-physiology, ethics, nursing history, trends and theories, professional and legal aspects of nursing, leadership and management in nursing, and teaching-learning theory;
 - B) ~~These requirements shall not~~ Not preclude a flexible curriculum that would provide appropriate integration of the nursing subject matters;
 - C) Provide theoretical and clinical instruction in all areas of nursing practice which encompasses attainment and maintenance of optimum physical and mental health and prevention of illness for individuals and groups throughout the life-cycle;
 - D) Incorporate the nursing process as an integral part of the curriculum;
 - E) Prepare the student to assume beginning level professional nursing positions;
 - F) Be at least ~~two~~ 2 academic years in length.
 - 10) Curriculum for the practical nursing programs shall:
 - A) Include, ~~as~~ at a minimum, basic concepts of anatomy, physiology, chemistry, microbiology, physics, communications, growth and development, interpersonal relationships, psychology sociology, cultural diversity, pharmacology (pharmacology course standards are set forth in Section 1300.44), nutrition and diet therapy, vocational, legal and ethical aspects of nursing;
 - B) ~~These requirements shall not~~ Not preclude a flexible curriculum that would provide appropriate integration of the nursing subject areas;
 - C) Provide basic theoretical and clinical instruction in nursing which encompasses the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life cycle;
 - D) Incorporate the nursing process as an integral part of the curriculum;
 - E) Prepare the student to assume entry level practical nursing positions to assist clients with normal and common health problems through use of basic nursing skills; ~~and~~
 - F) Be at least one academic year in length; and
 - G) If a ~~An acceptable~~ military program, ~~shall~~ consist of a

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

minimum of 36 to 40 weeks of theory and clinical instruction incorporating the curriculum as outlined in subsection(f)(10)(A).

- g) Faculty
- 1) The institution responsible for conducting the nursing program and the Nurse Administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and professionally qualified.
 - 2) Nursing education programs shall be administered by the Nurse Administrator of the nursing education program.
 - 3) The Nurse Administrator and faculty of a nursing education program shall be currently licensed as registered professional nurses in Illinois.
 - 4) The Nurse Administrator of a nursing education program shall have at least:
 - A) two 2 years experience in clinical nursing practice;
 - B) two 2 years of experience as an instructor in a nursing education program;
 - C) a master's degree or higher with a major in nursing.
 - 5) Nurse faculty of a professional nursing program shall have:
 - A) At least two 2 years experience in clinical nursing practice;
 - B) A master's degree or higher with a major in nursing. ~~E) (An individual with a bachelor's degree with a major in nursing and a master's degree in a related area other than nursing and who has at least 10 years' experience as a faculty member in a state State approved professional nursing program may request a variance of the Rule.)~~

No more than 12% of the total program nurse faculty may be employed in a nursing education program without a master's degree with a major in nursing.
 - 6) Nurse faculty of a practical nursing program shall have:
 - A) At least two 2 years experience in clinical nursing practice; and
 - B) A baccalaureate degree or higher with a major in nursing.
 - 7) The requirements of subsections (g)(4), (5) and (6) above shall not affect incumbents as of the original date these requirements were adopted, January 14, 1980.
 - 8) Nurse Administrators of nursing education programs shall be responsible for:
 - A) Administration of the nursing education program;
 - B) Liaison with other units of the sponsoring institution;
 - C) Preparation and administration of the budget;
 - D) Facilitation of faculty development and performance review;
 - E) Facilitation and coordination of activities related to academic policies, personnel policies, curriculum, resource facilities and services, and program evaluation; ~~2~~
 - F) ~~Be--responsible--for--notificatton~~ Notification to the

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

Department of program changes.

- 9) Faculty shall be responsible for:
- A) Development, implementation and evaluation of the purpose, philosophy and objectives of the nursing education program;
 - B) Design, implementation and evaluation of curriculum for the nursing education program;
 - C) Participation in academic advising of students;
 - D) Development and evaluation of student policies; and
 - E) Evaluation of student performance in meeting the objectives of the program.
- 10) Faculty shall participate in:
- A) Selection, promotion and tenure activities;
 - B) Academic activities of the institution;
 - C) Professional and health related community activities;
 - D) Self-development activities for professional and personal growth; and
 - E) Research and other scholarly activities for which qualified.
- 11) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience but shall not exceed ~~12~~ 10 to 1.
- 12) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.
- h) Financial Support, Facilities, Records
- 1) Adequate financial support for the nursing education program, faculty and other necessary personnel, equipment, supplies and services shall be in evidence in the program budget.
 - 2) The faculty of the nursing education program and the staff of cooperating agencies used as sites for additional theory and clinical experience shall work together for quality of patient care.
 - 3) Articles of Affiliation
 - A) The nursing education program shall have Articles of Affiliation between the nursing education program and each clinical facility which define the rights and responsibilities of each party, including agreements on the role and authority of the governing bodies of both the clinical site and the nursing education program.
 - B) If portions of the required clinical or theoretical curriculum are offered at different geographical sites, the curriculum must be planned, supervised, administered and evaluated in concert with appropriate faculty committees, department chairmen and administrative officers of the parent school.
 - 4) There shall be adequate facilities for the nursing program for both academic and clinical experiences for students.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

- 5) There shall be access to library facilities that are reasonably sufficient for the curriculum and the number of students enrolled in the nursing education programs.
- 6) Cooperating agencies shall be identified to the Department and shall be suitable to meet the objectives of the program.
- 7) Addition or deletion of cooperating agencies shall be reported in writing to the Department no later than ~~thirty~~ 30 days after the entrance into a contract or upon cancellation of a contract.
- 8) The nursing program's policies and procedures shall not violate constitutional rights and shall be written and available to faculty and students.
- 9) Permanent student records that summarize admissions, credentials, grades and other records of performance shall be maintained by the program.
- i) Discontinuance of a Nursing Program
 1) A nursing education program shall:
 A) Notify the Department, in writing, of its intent to discontinue its program;
 B) Continue to meet the requirements of the Act and this Part until the official date of termination of the program;
 C) Notify the Department of the date on which the last student will graduate and the program terminate; and
 D) Assume responsibility for assisting students to continue their education in the event of closing of the school prior to the final student graduating.
- 2) Upon closure of the nursing education program, the institution shall notify the Department, in writing, of the location of student and graduate records storage.
- j) Disapproval of a Program
 1) The following are grounds for disapproval of a nursing education program:
 A) A violation of any provision of the Act;
 B) Fraud or dishonesty in applying for approval of a nursing education program;
 C) Failure to continue to meet criteria of an approved nursing education program as set forth in this Section; or
 D) Failure to comply with recommendations made by the Department as a result of a site visit.
- 2) Upon written notification of the ~~proposed~~ Department's Department's proposed action, the nursing education program may:
 A) Submit a written response;
 B) Request a hearing before the Committee.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Numbers: Proposed Action:
- | | |
|----------|-------------|
| 250.160 | Amendments |
| 250.265 | New Section |
| 250.310 | Amendments |
| 250.330 | Amendments |
| 250.1270 | Amendments |
| 250.1410 | Amendments |
| 250.1910 | Amendments |
| 250.1980 | Amendments |
| 250.2420 | Amendments |
| 250.2450 | Amendments |
| 250.2460 | Amendments |
| 250.2470 | Amendments |
| 250.2480 | Amendments |
| 250.2490 | Amendments |
| 250.2500 | Amendments |
| 250.2620 | Amendments |
| 250.2660 | Amendments |
- 4) Statutory Authority: Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. III 1/2, pars. 142 et seq.) [210 ILCS 85]
- 5) A Complete Description of the Subjects and Issues Involved: These rules establish licensure requirements for hospitals in accordance with the Hospital Licensing Act. The amendments will implement recent statutory changes and will facilitate the Department's enforcement of the rules.
- Section 250.160 (Incorporated and Referenced Materials) is being amended to update the standards and regulations incorporated in the rules, such as the National Fire Protection Association's (NFPA) Life Safety Code and guidelines published by the Centers for Disease Control. Incorporation of the International Conference of Building Officials (ICBO) Uniform Building Code is deleted and replaced with the Building Officials Code Administrators (BOCA) National Building Code. Citations to the Illinois Compiled Statutes have also been added.
- Section 250.265 (Language Assistance Services) is being added in response to P.A. 88-244, the Language Assistance Services Act, which became effective January 1, 1994. The Act sets forth options that a hospital may choose in order to insure access to health care information and services for limited-English-speaking, non-English speaking, and deaf patients.
- Section 250.310 (Organization) is being amended in response to P.A. 88-654

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(effective January 1, 1995), which amended the Hospital Licensing Act to establish specific requirements for the credentialing of medical staff. Hospital bylaws governing medical staff membership must include provisions for granting, limiting, renewing, or denying medical staff membership and clinical staff privileges. Adverse determinations concerning applications for medical staff membership and clinical privileges must be communicated to the applicant in writing and must include an explanation for the determination. Notice and hearing provisions are also included in the amendments. County hospitals are exempt from these requirements.

Section 250.330 (Orders for Medications and Treatments) is being amended to add a subsection stating that the medical director of the physical therapy or rehabilitation department may authorize the provision of physical therapy or rehabilitation services or treatments at the request of other than members of the medical staff in accordance with policies approved by the medical staff and Board.

Section 250.1270 (Surgical Patients) is being amended to add a reference to the exemptions contained in Section 250.510(h)(1) concerning tissues/specimens removed at surgery.

Sections 250.1410 (Anesthesia Services), 250.1980 (Fire and Safety), 250.1910 (Maintenance) are being amended to update incorporations of NFPA standards.

Sections 250.2420 (Submission of Plans for New Construction, Alterations or Additions to Existing Facility), 250.2450 (Details), 250.2460 (Finishes), 250.2470 (Structural), 250.2480 (Mechanical), 250.2490 (Plumbing and Other Piping Systems), 250.2500 (Electrical Requirements), 250.2620 (Codes and Standards), 250.2660 (Mechanical) are being amended to update incorporations of NFPA and ASHRAE standards and to change incorporations of the Uniform Building Code to the BOCA National Building Code.

The economic effect of this rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the Notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? Yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

9) Are there any other Proposed Amendments Pending on this Part? NO

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, (217) 782-6187, within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: None

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None

C) Types of Professional Skills Necessary for Compliance: None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250
 HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section	
250.110	Application for and Issuance of Permit to Establish a Hospital
250.120	Application for and Issuance of a License to Operate a Hospital
250.130	Administration by the Department
250.140	Hearings
250.150	Definitions
250.160	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section	
250.210	The Governing Board
250.220	Accounting
250.230	Planning
250.240	Admission and Discharge
250.250	Visiting Rules
250.260	Patients' Rights
250.265	Language Assistance Services
250.270	Manuals of Procedure

SUBPART C: THE MEDICAL STAFF

Section	
250.310	Organization
250.315	House Staff Members
250.320	Admission and Supervision of Patients
250.330	Orders for Medications and Treatments
250.340	Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section	
250.410	Organization
250.420	Personnel Records
250.430	Duty Assignments
250.440	Education Programs
250.450	Personnel Health Requirements
250.460	Benefits

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: LABORATORY

Section	
250.510	Laboratory Services
250.520	Blood and Blood Components
250.525	Designated Blood Donor Program
250.530	Proficiency Survey Program
250.540	Laboratory Personnel
250.550	Western Blot Assay Testing Procedures

SUBPART F: RADIOLOGICAL SERVICES

Section	
250.610	General Diagnostic Procedures and Treatments
250.620	Radioactive Isotopes
250.630	General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section	
250.710	Classification of Emergency Services
250.720	General Requirements
250.725	Notification of Emergency Personnel
250.730	Community or Area-wide Planning
250.740	Disaster and Mass Casualty Program
250.750	Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section	
250.810	Applicability of Other Parts of These Requirements
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section	
250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning
250.940	Job descriptions
250.950	Nursing committees

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

250.960 Specialized nursing services
 250.970 Nursing Care Plans
 250.980 Nursing Records and Reports
 250.990 Unusual Incidents
 250.1000 Meetings
 250.1010 Education Programs
 250.1020 Licensure
 250.1030 Policies and Procedures
 250.1040 Patient Care Units
 250.1050 Equipment for Bedside Care
 250.1060 Drug Services on Patient Unit
 250.1070 Care of Patients
 250.1080 Admission Procedures Affecting Care
 250.1090 Sterilization and Processing of Supplies
 250.1100 Infection Control

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section
 250.1210 Surgery
 250.1220 Surgery Staff
 250.1230 Policies & Procedures
 250.1240 Surgical Privileges
 250.1250 Surgical Emergency Care
 250.1260 Operating Room Register
 250.1270 Surgical Patients
 250.1280 Equipment
 250.1290 Safety
 250.1300 Operating Room
 250.1305 Visitors in Operating Room
 250.1310 Cleaning of Operating Room
 250.1320 Regulations for Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

Section
 250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section
 250.1510 Medical Records
 250.1520 Reports

SUBPART M: FOOD SERVICE

Section
 250.1610 Dietary Department Administration

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

250.1620 Facilities
 250.1630 Menus and Nutritional Adequacy
 250.1640 Diet Orders
 250.1650 Frequency of Meals
 250.1660 Therapeutic (Modified) Diets
 250.1670 Food Preparation and Service
 250.1680 Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section
 250.1710 Housekeeping
 250.1720 Garbage, Refuse and Solid Waste Handling and Disposal
 250.1730 Insect and Rodent Control
 250.1740 Laundry Service
 250.1750 Soiled Linen
 250.1760 Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section
 250.1810 Applicability of other Parts of these regulations
 250.1820 Maternity and Neonatal Service Regulations (Perinatal Service)
 250.1830 General Requirements for all Maternity Departments
 250.1840 Discharge of Newborn Infants from Hospital
 250.1850 Rooming-In Care of Mother and Infant
 250.1860 Special Programs
 250.1870 Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS--HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section
 250.1910 Maintenance
 250.1920 Emergency electric service
 250.1930 Water Supply
 250.1940 Ventilation, Heating, Air Conditioning, and Air Changing Systems
 250.1950 Grounds and Buildings Shall be Maintained
 250.1960 Sewage, Garbage, Solid Waste Handling and Disposal
 250.1970 Plumbing
 250.1980 Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

Section
 250.2010 Definition

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

250.2020 Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section
250.2110 Service Requirements
250.2120 Personnel Required
250.2130 Facilities for Services
250.2140 Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section
250.2210 Applicability of other Parts of these Regulations
250.2220 Establishment of a Psychiatric Service
250.2230 The Medical Staff
250.2240 Nursing Service
250.2250 Allied Health Personnel
250.2260 Staff and Personnel Development and Training
250.2270 Admission, Transfer and Discharge Procedures
250.2280 Care of Patients
250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
250.2300 Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section
250.2410 Applicability of these Standards
250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility
250.2430 Preparation of Drawings and Specifications -- Submission Requirements
250.2440 General Hospital Standards
250.2450 Details
250.2460 Finishes
250.2470 Structural
250.2480 Mechanical
250.2490 Plumbing and Other Piping Systems
250.2500 Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section
250.2610 Applicability of these Standards
250.2620 Codes and Standards
250.2630 Existing General Hospital Standards

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

250.2640 Details
250.2650 Finishes
250.2660 Mechanical
250.2670 Plumbing and Other Piping Systems
250.2680 Electrical Requirements

SUBPART V: SPECIAL CARE AND SPECIAL SERVICE UNITS

Section
250.2710 Special Care and/or Special Service Units
250.2720 Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section
250.2810 Applicability of Other Parts of These Requirements
250.2820 Establishment of an Alcoholism and Intoxication Treatment Service
250.2830 Classification and Definitions of Service and Programs
250.2840 General Requirements for all Hospital Alcoholism Program Classifications
250.2850 The Medical and Professional Staff
250.2860 Medical Records
250.2870 Referral
250.2880 Client Legal and Human Rights

ILLUSTRATION A Seismic Zone Map

APPENDIX A Codes and Standards (Repealed)
EXHIBIT A Codes (Repealed)
EXHIBIT B Standards (Repealed)
EXHIBIT C Addresses of Sources (Repealed)
TABLE A Measurements Essential for Level I, II, III Hospitals
TABLE B Sound Transmission Limitations in General Hospitals
TABLE C Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
TABLE D General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air
TABLE F General Pressure Relationships and Ventilation of Certain Hospital Areas
TABLE G Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.) [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 250.160 Incorporated and Referenced Materials

- a) The following regulations, standards, and statutes are incorporated or referenced in this Part:
- 1) Private and professional association standards:
 - A) American Society for Testing and Materials (ASTM), Standard No. E90 (1975): Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Floors and Walls, which may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. [See Section 250.2420(f)(7).]
 - B) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Standard No. 55-66 (1968): Methods of Testing Air-Cleaning Devices Used in General Ventilation for Removing Particulate Matter which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, 345 East 47th Street, New York, N.Y. New York 10017. Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329 [See Section 250.2660(b)(7)(F)(2480).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- i) ASHRAE Handbook of Fundamentals (1981);
 - ii) ASHRAE Handbook for Equipment Volume (1983);
 - iii) ASHRAE Handbook for Systems (1984);
 - iv) ASHRAE Handbook for Applications (1982).
- C) The Compressed Gas Association (CGA), Pamphlet P-2.1 (1970): Standard for Medical-Surgical Vacuum Systems in Hospitals, which may be obtained from the Compressed Gas Association, 1235 Jefferson Davis Highway, Arlington, Virginia 22202. [See Section 250.2490(g)(end)-(h)(7).]
- D) National Fire Protection Association (NFPA), Standard No. 101 (1987): Life Safety Code [See see Sections 250.2420, 250.2450, 250.2460, 250.2470, and 250.2490] and the following standards, which may be obtained from the National Fire Protection Association, Batterymarch park, Quincy, Massachusetts 02269.
- i) No. 10 (1978) (1990): Installation of Portable Fire Extinguishers. [See Section 250.1980(f)(7).]
 - ii) No. 13 (1980) (1994): Sprinkler Systems. [See Sections 250.2490(k) and 250.2670(h)(7)(7).]
 - iii) No. 13A (1980) (1987): Sprinkler Systems Maintenance. [See Sections 250.2490(k) and 250.2670(h)(7)(7).]
 - iv) No. 14 (1980) (1990): Standpipe and Hose Systems. [See Sections 250.2490(k)(2) and 250.2670(h)(7)(2).]
 - v) No. 30 (1987) (1990): Flammable and Combustible Liquids Code. [See Section 250.1980(f)(7).]
 - vi) No. 56A (1978) (1990): Inhalation Anesthetics. [See Section 250.2490(k)(7) and 250.2460(f)(7).]
 - vii) No. 56P (1977) (1990): Non-flammable Medical Gases-Systems. [See Sections 250.2490(k)(7) and 250.2460(f)(7).]
 - viii) No. 70 (1984) (1993): National Electrical Code. [See Sections 250.2440 and 250.2500(f).]
 - ix) No. 80 (1979) (1990): Standard for Fire Doors and Windows. [See Section 250.2450(f)(7).]
 - x) No. 82 (1977) (1990): Incinerators and Rubbish Handling. [See Section 250.2440(m)(7)(7).]
 - xi) No. 90A (1970) (1989): Installation of Air Conditioning and Ventilating Systems. [See Section 250.2480 and 250.2660(b)(7)(7).]
 - xii) No. 96 (1980) (1991): Vapor Removal Cooking Equipment. [See Section 250.2660(b)(7)(7)(7).]
 - xiii) No. 99 (1993): Health Care Facilities Code. [See Sections 250.1410, 250.1980, 250.1910, 250.2460, 250.2480 and 250.2660.]
 - xiv) No. 101-M (1992): Alternative Approaches to Life Safety. [See Section 250.2620.]
 - xv) No. 220 (1979) (1992): Standard Types of Building Construction. [See Sections 250.2470(f)(7) and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 250.2620**(b)**].
 xiv) No. 255 (1990): Standard Method of Test of Surface Burning Characteristics of Building Material. [See Section 250.2480.]
 xix) No. 701 **(1977)** (1989): Fire Tests for Flame-Resistant Textiles and Films. [See Sections 250.2460**(a)** and 250.2650**(a)**].
- E) American Academy of Pediatrics, "Standards and Recommendations for Hospital Care for Newborn Infants: Infant" (1985), which may be obtained from the American Academy of Pediatrics, 141 Northwest Point Road, Elk Grove Village, Illinois 60607. [See Section 250.1820.]
- F) American College of Obstetricians and Gynecologists, Standards for Obstetric-Gynecologic Services, Seventh Edition (1989) and Manual of Standards (1985), which may be obtained from the American College of Obstetricians and Gynecologists, 600 Maryland Avenue SW, Suite 300 East, Washington, D.C. 20024. [See Section 250.1820.]
- G) National Council on Radiation Protection and Measurements (NCRP), Report No. 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report No. 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989), which may be obtained from the National Council on Radiation Protection and Measurement Measurements, P.O. Box-30475, Washington-B-G-20014 7910 Woodmont Ave., Suite 800, Bethesda, Maryland 20814-3095. [See Sections 250.2440**(c)** and 250.2450**(a)**].
- H) DOP Penetration Test Method MIL STD No. 282 (1976): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120. [See Section 250.2480**(e)**].
- I) National Association of Plumbing-Heating-Cooling Contractors (PHCC), National Standard Plumbing Code (1957), which may be obtained from the National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street, N.W., Washington, D.C. 20036. [See Section 250.2420**(d)**].
- J) International Conference of Building Officials (IBO) Uniform-Building-Code-Volume-1-(1979), which may be obtained from the International Conference of Building Officials-5360-South-Workman-Road-Whittier-California 90604; Building Officials Code Administrators (BOCA) International, Eleventh Edition, "The BOCA National Building Code (1993)", which may be obtained from BOCA, Inc., 401 Flossmoor Road, Country Club Hills, IL 60477-5795. [See

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- Section 250.2420**(d)**].
- K) American Standards Association, Inc., Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped (1968); which may be obtained from the American Standards Association, Inc., East 40th Street, New York, New York 10016. [See Section 250.2420**(d)**].
- L) Underwriters Laboratories, Inc. (UL), Publication No. 181 (1974): Air Ducts; which may be obtained from Underwriters Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois 60611. [See Section 250.2420**(d)**].
- M) Accreditation Council for Graduate Medical Education, Essentials of Accredited Residencies in Graduate Medical Education (1990), which may be obtained from the Accreditation Council for Graduate Medical Education, 535 North Dearborn Street, Chicago, Illinois 60610. [See Section 250.2150**(b)**].
- 2) Federal Government Publications:
- A) Department of Health and Human Services, United States Public Health Service, Center Centers for Disease Control, "CDC Guidelines for Isolation Precautions in Hospitals" and "CDC Guidelines for Infection Control in Hospital Personnel," July 1993; which may be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. [See Section 250.1100**(a)**].
- B) Department of Health and Human Services, Bureau of Quality Assurance, Federal Proficiency Examination Program-For Clinical Laboratory Technologists. [See Section 250.540**(b)**].
- C) National Bureau of Standards, "Technical Note 709, Appendix II: Test Method for Measuring the Smoke Generation Characteristics of Solid Materials-" (1982); which may be obtained from American National Standards Institute, 1430 Broadway, New York, NY 10018. [See Section 250.2420**(d)**].
- 3) State of Illinois Statutes:
- A) Hospital Licensing Act (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 142 et seq.) [210 ILCS 85].
- B) Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 142 151 et seq.) [20 ILCS 3960].
- C) Medical Practice Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, par. 4401 et seq.) [225 ILCS 60].
- D) Pediatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, par. 4901 et seq.) [225 ILCS 100].
- E) Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, par. 4001 et seq.) [225 ILCS 85].

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- F) Physicians Assistant Practice Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, par. 4752 et seq.) [225 ILCS 95].
- G) Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 622-101 et seq.) [210 ILCS 25].
- H) Radiation Installations Act (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 194 et seq.) [210 ILCS 90].
- I) ~~AN-Act-concerning-the-retention-for-use-in-ittigation-of X-Ray-or-ecentgen-fims-of-the-hman-anatomy X-Ray Retention Act (Ill. Rev. Stat. 1989 1991, ch. 111 1/2 par. 157-11 157-10 et seq.) [210 ILCS 90].~~
- J) ~~AN-Act-to-require-the-registration-of-radiation installations-as-herein-defined-to-authorize-the-Department of-Public-Health-to-investigate-and-inspect-all-radiation installations-in-this-State-to-provide-injunctive-reetef and-penalties-for-violations-of-this-Act-and-to-make-an appropriation-therefor-(Ill-Rev-Stat-1989-ch-111-1/2-27 par-194-et-seq)~~
- K) Safety Glazing Materials Act (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, pars. 3101 et seq.) [430 ILCS 60].
- L) Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989 1991, ch. 91 1/2, pars. 1-100 et seq.) [405 ILCS 5].
- 4) State of Illinois Rules:
- A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890).
- B) Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545).
- C) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690).
- D) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750).
- E) Department of Public Health, Sanitary Practice for Drinking Water, Sewage Disposal and Restroom Facilities (77 Ill. Adm. Code 895).
- F) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400).
- G) State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120).
- H) State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100).
- I) Department of Nuclear Safety, Standards for Protection Against Radiation (32 Ill. Adm. Code 340).
- J) Department of Nuclear Safety, Use of X-Ray in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360).
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations in this part refer to the regulations or standards on the date specified and do not include

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

any additions or deletions subsequent to the date specified.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART B: ADMINISTRATION AND PLANNING

Section 250.265 Language Assistance Services

a) For the purpose of this Section:

- 1) Interpreter means a person fluent in English and in the necessary language of the patient who can accurately speak, read, and readily interpret the necessary second language, or a person who can accurately sign and read sign language. Interpreters shall have the ability to translate the names of body parts and to describe completely symptoms and injuries in both languages. Interpreters may include members of the medical or professional staff. (Section 10 of the Language Assistance Services Act [210 ILCS 87/10])
- 2) Language or communication barriers means either of the following:
- A) With respect to spoken language, barriers that are experienced by limited-English-speaking or non-English-speaking individuals who speak the same primary language, if those individuals constitute at least 5% of the patients served by the hospital annually.
- B) With respect to sign language, barriers that are experienced by individuals who are deaf and whose primary language is sign language. (Section 10 of the Language Assistance Services Act)
- b) To insure access to health care information and services for limited-English-speaking or non-English-speaking patients and deaf patients, a hospital may do one or more of the following:
- 1) Review existing policies regarding interpreters for patients with limited English proficiency and for patients who are deaf, including the availability of staff to act as interpreters.
- 2) Adopt and review annually a policy for providing language assistance services to patients with language or communication barriers. The policy shall include procedures for providing, to the extent possible as determined by the facility, the use of an interpreter whenever a language or communication barrier exists, except where the patient, after being informed of the availability of the interpreter service, chooses to use a family member or friend who volunteers to interpret. The procedures shall be designed to maximize efficient use of interpreters and minimize delays in providing interpreters to patients. The procedures shall insure, to the extent possible as determined by the facility, that interpreters are available, either on the premises or accessible by telephone, 24 hours a day. The

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

facility shall annually transmit to the Department of Public Health a copy of the updated policy and shall include a description of the facility's efforts to insure adequate and speedy communication between patients with language or communication barriers and staff.

- 3) Develop, and post in conspicuous locations, notices that advise patients and their families of the availability of interpreters, the procedure for obtaining an interpreter, and the telephone numbers to call for filing complaints concerning the interpreter service problems, including, but not limited to, a T.D.D. number for the hearing impaired. The notices shall be posted, at a minimum, in the Emergency Room, the admitting area, the facility entrance, and the outpatient area. Notices shall inform patients that interpreter services are available on request, shall list the languages for which interpreter services are available, and shall instruct patients to direct complaints regarding interpreter services to the Department of Public Health, including the telephone numbers to call for that purpose.
- 4) Identify and record a patient's primary language and dialect on one or more of the following: a patient medical chart, hospital bracelet, bedside notice, or nursing card.
- 5) Prepare and maintain, as needed, a list of interpreters who have been identified as proficient in sign language and in the languages of the population of the geographical area served by the facility who have the ability to translate the names of body parts, injuries, and symptoms.
- 6) Notify the facility's employees of the facility's commitment to provide interpreters to all patients who request them.
- 7) Review all standardized written forms, waivers, documents, and informational materials available to patients on admission to determine which to translate into languages other than English.
- 8) Consider providing its nonbilingual staff with standardized picture and phrase sheets for use in routine communications with patients who have language or communication barriers.
- 9) Develop community liaison groups to enable the facility and the limited-English-speaking, non-English-speaking, and deaf communities to ensure the adequacy of the interpreter services. (Section 15 of the Language Assistance Services Act)

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART C: THE MEDICAL STAFF

Section 250.310 Organization

- a) The medical staff shall be organized in accordance with written bylaws, rules and regulations, approved by the Governing Board. The

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

bylaws, rules and regulations shall specifically provide but not be limited to the following provisions:

- 1) establishing written procedures relating to the acceptance and processing of initial applications for medical staff membership, granting and denying of medical staff reappointment, and medical staff membership or clinical privileges disciplinary matters in accordance with subsection (b) of this Section for county hospitals as defined in subsection (c) of Section 15-1 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 15-1) [305 ILCS 5/15-1], or subsection (c) of this Section for all other hospitals.

A) The procedures for initial applicants at any particular hospital may differ from those for current medical staff members. However, the procedures at any particular hospital shall be applied equally to each practitioner eligible for medical staff membership under Section 250.150 (Medical Staff) of this Part.

B) The procedures relating to evaluating individuals for staff membership, whether the practitioners are or are not currently members of the medical staff, shall include procedures for determination of qualifications and privileges, criteria for evaluation of qualifications and procedures requiring information about current health status, current license status in Illinois, and biennial review of renewed license.

C) The procedure shall grant to current medical staff members at least written notice of an adverse decision by the Governing Board on explanation and reasons for an adverse decision, the right to examine and/or present copies of relevant information, if any, related to an adverse decision, an opportunity to appeal an adverse decision, and written notice of the decision resulting from the appeal. Timeframes for giving such notice.

D) The procedures shall provide that, prior to the granting of any medical staff privileges to an applicant, or renewing a current medical staff member's privileges, the hospital shall request of the director of the Department of Professional Regulation information concerning the licensure status and any disciplinary action taken against the applicant's or medical staff member's license. This provision shall not apply to medical personnel who enter a hospital to obtain organs and tissues for transplant from a deceased donor in accordance with the Uniform Anatomical Gift Act (Ill. Rev. Stat. 1989 1991, ch. 110 1/2, par. 301 et seq.) [755 ILCS 59]. (Section 10.4 of the Act)

- 2) For such identifying divisions and departments as are warranted (as a minimum, active and consulting divisions are required);

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 3) ~~for such~~ identifying officers as are warranted;
- 4) ~~for establishing~~ committees as are warranted to assure the responsibility for such functions as pharmacy and therapeutics, infection control, utilization review, patient care evaluation, and the maintenance of complete medical records;
- 5) ~~that~~ assuring that active medical staff meetings ~~be~~ are held regularly, and that written minutes of all meetings ~~be~~ are kept;
- 6) ~~for review and analysis of~~ reviewing and analyzing the clinical experience of the hospital at regular intervals -- the medical records of patients to be the basis for such review and analysis;
- 7) identifying conditions or situations which require consultation, including consultation between medical staff members in complicated cases;
- 8) ~~for consultation between medical staff members in~~ complicated cases;
- 9) ~~that~~ examining of tissue removed ~~at during operation operations~~ shall be examined by a qualified pathologist and requiring that the findings ~~shall be~~ are made a part of the patient's medical record;
- 10) ~~for keeping~~ completed medical records;
- 11) ~~for written~~ maintaining a Utilization Review Plan which shall be in accordance with the Conditions of Participation for Hospitals in the Medicare Program.
- 12) ~~for~~ establishing Medical Care Evaluation Studies;
- 13) ~~for~~ establishing policies requiring a physician as first assistant to major and/or hazardous surgery, including ~~written~~ written criteria to determine when an assistant is necessary ~~shall be established and be a part of the surgical department procedure manual;~~
- 14) ~~for~~ assuring, through their credentialing by and/or ~~privilege granting process~~ the medical staff, ~~shall assure~~ that a qualified surgical assistant, whether a physician or non-physician, assists the operating surgeon in the operating room; ~~refer to subsections (e)-(6)-(7)-(8) and (1)-(2) of this Section;~~
- 15) ~~for~~ Health Personnel determining of additional privileges that may be granted a staff member for the use of his/her employed allied health personnel in the hospital in accordance with policies and procedures recommended by the medical staff and approved by the governing authority. The policies and procedures shall include at least requirements that the ~~the~~ staff member requesting this additional privilege shall submit for review and approval by the medical staff and the governing authority of the hospital;
- 16) ~~the~~ curriculum vitae of the identified allied health personnel, and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 17) ~~a~~ written protocol with a description of the duties, assignments and/or functions, ~~and~~ including a description of the manner of performance within the hospital by the allied health personnel in relationship with other hospital staff.
- 18) ~~A~~ establishing a mechanism for assisting medical staff members in addressing physical and mental health problems;
- 19) ~~A~~ implementing a procedure for preserving medical staff credentialing files in the event of the closure of the hospital.
- 20) ~~The~~ medical staff bylaws for county hospitals as defined in subsection (c) of Section 15-1 of the Illinois Public Aid Code shall include at least the following:
- 1) The procedures relating to evaluating individuals for staff membership, whether the practitioners are or are not currently members of the medical staff, shall include procedures for determination of qualifications and privileges, criteria for information about current health status, current license status in Illinois, and biennial review of renewed license.
 - 2) The procedure shall grant to current medical staff members at least: written notice of an adverse decision by the Governing Board; an explanation and reasons for an adverse decision; the right to examine and/or present copies of relevant information, if any, related to an adverse decision; an opportunity to appeal an adverse decision; and written notice of the decision resulting from the appeal. The procedures for providing written notice shall include timeframes for giving such notice.
 - 3) The medical staff bylaws for all hospitals except county hospitals shall include at least the following provisions for granting, limiting, renewing, or denying medical staff membership and clinical staff privileges: (Section 10.4(b) of the Act)
 - 1) Minimum procedures for initial applicants for medical staff membership shall include the following:
 - A) Written procedures relating to the acceptance and processing of initial applicants for medical staff membership.
 - B) Written procedures to be followed in determining an applicant's qualifications for being granted medical staff membership and privileges.
 - C) Written criteria to be followed in evaluating an applicant's qualifications.
 - D) An evaluation of an applicant's current health status and current license status in Illinois.
 - E) A written response to each applicant that explains the reason or reasons for any adverse decision (including all reasons based in whole or in part on the applicant's medical qualifications or any other basis, including economic factors). Section 10.4(b) of the Act)
 - F) Minimum procedures with respect to medical staff and clinical privilege determinations concerning current members of the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

the effect on his or her medical staff membership or privileges. An affected medical staff member desiring a hearing under subsection (c)(2)(B) of this Section must request the hearing within 14 days after the date he or she is so notified. The requested hearing shall be commenced and completed (with a report and recommendation to the affected medical staff member, Hospital Governing Board, and medical staff) within 30 days after the date of the medical staff member's request. If agreed upon by both the medical staff and the Hospital Governing Board, the medical staff bylaws may provide for longer time periods.

- C) A statement of the member's right to inspect all pertinent information in the hospital's possession with respect to the decision.
- D) A statement of the member's right to present witnesses and other evidence at the hearing on the decision.
- E) A written notice and written explanation of the decision resulting from the hearings.
- F) A written notice of a final adverse decision by the Hospital Governing Board.
- G) Notice given 15 days before implementation of an adverse medical staff membership or clinical privileges decision based substantially on economic factors. This notice shall be given after the medical staff member exhausts all applicable procedures under subsection (c)(2)(B)(iii) of this Section, and under the medical staff bylaws in order to allow sufficient time for the orderly provision of patient care.
- H) Nothing in subsection (c)(2) of this Section limits a medical staff member's right to waive, in writing, the rights provided in subsection (c)(2)(A)-(G) of this Section upon being granted the written exclusive right to provide particular services at a hospital, either individually or as a member of a group. If an exclusive contract is signed by a representative of a group of physicians, a waiver contained in the contract shall apply to all members of the group unless stated otherwise in the contract. (Section 10.4(b) of the Act)

3) Every adverse medical staff membership and clinical privilege decision based substantially on economic factors shall be reported to the Hospital Licensing Board before the decision takes effect. The reports shall not be disclosed in any form that reveals the identity of any hospital or physician. These reports shall be utilized to study the effects that hospital medical staff membership and clinical privilege decisions based upon economic factors have on access to care and the availability of physician services. (Section 10.4(b) of the Act)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

medical staff shall include the following:

- A) A written explanation of the reasons for an adverse decision including all reasons based on the quality of medical care or any other basis, including economic factors.
- B) A statement of the medical staff member's right to request a fair hearing on the adverse decision before a hearing panel whose membership is mutually agreed upon by the medical staff and the Hospital Governing Board. The hearing panel shall have independent authority to recommend action to the Hospital Governing Board. Upon the request of the medical staff member or the Hospital Governing Board, the hearing panel shall make findings concerning the nature of each basis for any adverse decision recommended to and accepted by the Hospital Governing Board.
 - i) Nothing in subsection (c)(3)(C) of this Section limits a hospital's or medical staff's right to summarily suspend, without a prior hearing, a person's medical staff membership or clinical privileges if the continuation of practice of a medical staff member constitutes an immediate danger to the public, including patients, visitors, and hospital employees and staff. A fair hearing shall be commenced within 15 days after the suspension and completed without delay.
 - ii) Nothing in subsection (c)(3)(C) of this Section limits a medical staff's right to permit, in the medical staff bylaws, summary suspension of membership or clinical privileges in designated administrative circumstances as specifically approved by the medical staff. This bylaw provision must specifically describe both the administrative circumstance that can result in a summary suspension and the length of the summary suspension. The opportunity for a fair hearing is required for any administrative summary suspension. Any requested hearing must be commenced with 15 days after the summary suspension and completed without delay. Adverse decisions other than suspension or other restrictions on the treatment or admission of patients may be imposed summarily and without a hearing under designated administrative circumstances as specifically provided for in the medical staff bylaws as approved by the medical staff.
 - iii) If a hospital exercises its option to enter into an exclusive contract and that contract results in the total or partial termination or reduction of medical staff membership or clinical privileges of a current medical staff member, the hospital shall provide the affected medical staff member 60 days prior notice of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- b)d) Regardless of any other categories (divisions of the medical staff) having privileges in the hospital, there shall be an active staff which must include physicians and may also include podiatrists and dentists, properly organized, which perform all the organizational duties pertaining to the medical staff. These duties include:
- 1) Maintenance of the proper quality of all medical care and treatment of inpatients and outpatients in the hospital. Proper quality of medical care and treatment includes:
 - A) availability and use of accurate diagnostic testing for the types of patients admitted;
 - B) availability and use of medical, surgical, and psychiatric treatment for patients admitted;
 - C) availability and use of consultation, diagnostic tools and treatment modalities for the care of patients admitted including the care needed for complications which may be expected to occur;
 - D) availability and performance of auxiliary and associate staff with documented training and experience in diagnostic and treatment modalities in use by the medical staff and documented training and experience in managing complications which may be expected to occur.
 - 2) Organization of the medical staff, including adoption of rules and regulations for its government (which require the approval of the governing body), election of its officers or recommendations to the governing body for appointment of the officers, and recommendations to the governing body upon all appointments to the staff and grants of hospital privileges.
 - 3) Other recommendations to the governing body regarding matters within the purview of the medical staff.
- e) The medical staff may include one or more divisions in addition to the active staff, but this in no way modifies the duties and responsibilities of the active staff.

f) For the purpose of this Section only:

- 1) Adverse decision means a decision reducing, restricting, suspending, revoking, denying, or not renewing medical staff membership or clinical privileges. Section 10.4(b) of the Act
- 2) Economic factor means any information or reasons for decisions unrelated to quality of care or professional competency. Section 10.4(b) of the Act

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 250.330 Orders for Medications and Treatments

- a) No medication or treatment or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff or a house staff member under the supervision of a member of the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- medical staff. Verbal orders shall be used in emergency situations only and signed before the member of the medical staff or the house staff member leaves the area. Telephone orders shall be used sparingly and countersigned within 24 hours.
- b) Members of the Medical Staff and house staff members shall give orders for medication and treatment only to the licensed, registered or certified professional persons who are authorized by law to administer or dispense the medication or treatment in the course of practicing their identified specific discipline.
 - c) The medical directors of the laboratory, radiology or other diagnostic services may respectively authorize the performance of diagnostic tests and procedures at the request of other than members of the medical staff in accordance with policies approved by the medical staff and Board.
 - d) The medical director of the physical therapy or rehabilitation department may authorize the provision of physical therapy or rehabilitation services or treatments at the request of other than members of the medical staff in accordance with policies approved by the medical staff and Board.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section 250.1270 Surgical Patients

- a) Patients undergoing major surgical procedures shall be observed both pre-operatively and post-operatively by a competent nurse specifically assigned to the duty. Such observations shall be documented in the patient's record.
- b) The chart of the patient shall accompany him to the operating suite, to the recovery area and be returned with the patient to the patient care unit.
- c) All tissue/specimens removed at surgery, except those exempted by Section 250.510(h)(1), shall be placed in a container properly labeled and submitted for pathological examination.
- d) An operative report describing techniques and findings shall be written or dictated immediately following surgery and signed by the surgeon.
- e) All infections of clean surgical cases shall be recorded and reported to administration and to the Infection Control Committee. The Infection Control Committee shall determine a procedure for the surveillance of such cases.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

SUBPART K: ANESTHESIA SERVICES

Section 250.1410 Anesthesia Service

- a) The Anesthesia Service shall be organized under written policies and procedures regarding staff privileges, the administration of anesthetics, and the maintenance of strict safety controls. In hospitals where there is no organized Anesthesia Service, the Surgery Service shall assume the responsibility for establishing general policies and supervising the administration of anesthetics. The Anesthesia Service is responsible for all anesthetics administered in the hospital.
- b) The anesthesia service shall be under the direction of a physician who has had specialized preparation and/or experience in the area or who has completed a residency in anesthesiology. An anesthesiologist, Board certified or Board eligible, is recommended.
- c) A physician or registered professional nurse shall supervise the work of all nonmedical personnel working in the anesthesia service.
- d) Responsibility for regular inspection, maintenance, and repair of anesthesia equipment and supplies shall be established.
- e) The anesthesia service, hospital administration, and medical staff shall collaborate to establish policies and procedures--rules-and regulations for the control, storage, and safe use of combustible anesthetics, oxygen and other medicinal gases; types of anesthesia to be administered and procedures for each; personnel permitted to administer anesthesia; infection control and safety regulations to be followed.
- f) The hospital shall recognize the dangers of accidental ignition of anesthetic gases to patients and others and shall make provisions to minimize this hazard in accordance with National Fire Protection Association (NFPA) standards Standard No. 99 (1993), "Health Care Facilities Code."
- g) Appropriate measures shall be taken to acquaint all personnel with the rules--and--regulations policies and procedures established and to assure enforcement.
- h) Anesthetic agents and medicinal gases shall be administered only on the order of a member of the medical staff and shall be administered only by persons qualified in the management of such materials. See Section 250.1410 subsection (e) of this Section.
- 2) Comment:--it should be noted that State law requires that persons who administer medication must hold a license or certification permitting them to administer medication--such license--or certification--issued by the Illinois Department of Registration and Education--See Illinois Attorney General Opinion No. S-1093--the use and storage of anesthetic gases shall be in accordance with the current edition of the National Fire Protection Bulletin 5647 Inhalation Anesthetic 1977 and 56B Non-Flammable Medical Gases 1993--NFPA Standard No. 99 (1993), "Health Care Facilities Code." Areas for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- cleaning, testing, and storing anesthesia equipment shall be provided.
- j) An anesthetic record on special forms shall be made a part of the patient's chart. Drugs used, vital signs and other relevant information shall be recorded at regular intervals during anesthesia.
- 1) There shall be a history and physical examination by a physician within 48 hours prior to the surgery, with findings recorded in the patient's record. For dental surgery, the history and physical examination may be performed by a dentist who has been granted such privileges by the hospital medical staff.
- 2) Except in emergency, no anesthetic shall be administered until the patient has had a history and physical examination, and a record made of the findings.
- k) Patients under or recovering from anesthesia and those who have received sedatives or analgesic shall remain under continuous, direct nursing supervision until vital signs have become stabilized. Any nurse performing this duty shall have been instructed in the management of post-anesthetic patients, shall have no other clinical duties while supervising such patients, and shall have immediate recourse to the attending surgeon or anesthesiologist, or qualified substitute, present in the hospital.
- l) Post-anesthetic follow-up visits shall be made within 24 hours after the operation, by the anesthesiologist, nurse anesthetist or responsible physician, who shall note and record any postoperative abnormalities or complications from anesthesia.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL

PLANT, SITE, EQUIPMENT, AND SYSTEMS--HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL.

Section 250.1910 Maintenance

- There shall be an organized engineering and/or maintenance department under competent supervision. The requirements of NFPA Standard No. 99 (1993), "Health Care Facilities Code," shall apply in addition to the following:
- a) Responsibility for maintenance of the physical plant site, equipment and systems shall be vested in the administrator who may delegate responsibility to the proper employees. Maintenance services shall be under the supervision of a qualified engineer or persons who have had commensurate experience in the maintenance of public or private plants, preferably hospitals.
- b) Personnel engaged in maintenance activities shall receive orientation and follow-up training, including training in principles of asepsis, cross-infection control, and safe practices.
- c) There shall be an effective, organized, detailed preventive

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

maintenance program. Written instructions for operating and maintaining equipment and the various mechanical, electrical, and other systems contained in the hospital shall be available to maintenance personnel.

- d) Maintenance and repairs shall be carried out in accordance with applicable codes, rules, regulations, standards and requirements of local jurisdictions, the State Fire Marshal, and the Department of Public Health.
- e) Space and equipment shall be provided for the managerial activities of the supervisor of maintenance for repair work and for storage of maintenance materials. The storage of paints and oils in patient areas shall not be permitted.
- f) The hospital structure and its component parts and facilities shall be kept in good repair and maintained with consideration for the safety and comfort of the occupants of the building. Mechanical and electrical equipment shall be maintained in good repair and operating condition at all times.
- g) Roads, walks, and parking areas shall be properly maintained. (Refer to Subpart T and Subpart U of these requirements this Part.)

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 250.1980 Fire and Safety

- a) Buildings and equipment shall be so maintained as to prevent fire and other hazards to personal safety.
- b) Exits, stairways, doors, and corridors shall be kept free of obstructions.
- c) Flammable and combustible liquids shall be labeled, stored, handled and used in compliance with the requirements of the National Fire Protection Association (NFPA) Standard No. 30 "Flammable and Combustible Liquids Code."
- d) Flammable and non-flammable gases shall be labeled, handled, and used in compliance with the requirements of National Fire Protection Association NFPA Standard No. 99 (1993), "Health Care Facilities Code." 56A--Inhalation--Anesthetics--56B--Inhalation-Therapy--and-56P Non-flammable-Medical-Gases-Systems--standards. Separate storage for flammable and oxidizing gases shall be provided.
- e) A master fire plan, developed to suit the needs of the facility, and acceptable to the Department, shall be maintained.
- f) Fire regulations listing the fire stations, procedures and staff emergency duties by title or position, shall be posted conspicuously on each floor at appropriate locations, and shall be available in each unit, section and department.
- g) Employees shall be trained in procedures to be followed in the master fire plan.
- h) Fire drills shall be conducted at irregular intervals at least 12

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- times per year. A record shall be kept of the staff performance and results, and indicated corrective measures shall be made.
- i) Portable fire extinguishers, provided in accordance with National Fire Protection--Association NFPA Standard No. 10 (1990), "Installation of Portable Fire Extinguishers", standards, shall be inspected at least annually, recharged or repaired as needed and labeled with the dates of the last inspection.
- j) Sprinkler systems, fire hoses, fire detection and alarm devices, and other equipment for use in the fire safety program shall be connected and maintained in a fully functional condition at all times.
- k) Fire detection and protection systems shall be inspected no less than twice a year by a recognized competent authority. A written report of the inspection shall be kept on file at the hospital for at least three years following the date of inspection.
- l) The hospital shall maintain a procedure for reporting to a designated administrative officer on a standard form adopted for the purpose, all accidents to patients, staff employees, or visitors. The report shall include all pertinent information and shall be kept on file for not less than six years after the occurrence reported.
- m) The hospital shall maintain a procedure to investigate fires. A written report of the investigation containing all pertinent information shall be made. The report shall remain on file for not less than six years.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section 250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility

- a) New Construction, Addition, or Major Alteration
- 1) When construction is contemplated, either for new buildings or additions or material alterations to existing buildings coming within the scope of these standards, design development drawings and outline specifications shall be submitted to the Department for review. Approval of design development drawings and specifications shall be obtained from the Department prior to starting final working drawings and specifications. Comments or approval shall be provided within thirty days of receipt by the Department.
- 2) Final Drawings
- A) The final working drawings and specifications shall be submitted to the Department for review and approval prior to beginning of construction. For final approval to remain valid, contracts must be signed within one year of approval date. Alternate methods of design development and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

construction may be acceptable subject to the approval of the Department. Comments or approval shall be provided within 30 days of receipt by the Department.

- B) The Department shall be notified of the award of construction contracts.
- 3) Any contract modifications which affect or change the function, design, or purpose of a facility shall be submitted to the Department for approval prior to authorizing the modifications. Comments or approval shall be provided within 30 days of receipt by the Department.
- 4) The department shall be notified when construction has been completed or whenever any area is occupied.
- 5) As built drawings should be maintained by the hospital.
- b) Minor Alterations and Remodeling. Minor alterations or remodeling changes which do not affect the structural integrity of the building, which do not change functional operation, which do not affect fire safety, and which do not add beds or facilities over those for which the hospital is licensed, need not be submitted for approval.
- c) Alterations of Water Supply, Plumbing and Drainage. No system of water supply, plumbing, sewage, garbage or refuse disposal shall be installed, nor any such existing system materially altered or extended until complete plans and specifications for the installation, alteration or extension have been submitted to the Department and have been reviewed and approved.
- d) Codes and Standards
- 1) ~~General~~ Nothing stated ~~herein~~ in this Part shall relieve the sponsor from compliance with building codes, ordinances, and regulations which are enforced by city or county jurisdictions. Where such codes, ordinances, and regulations are not in effect, the sponsor shall consult one of the national building codes generally used in the area, provided that the requirements of the national code are consistent with the minimum requirements set forth ~~herein~~ in this Part.
- 2) ~~List-of-referenced-codes-and-standards--the-latest-editions-of-the-codes-cited-shall-be-used-as-indicated-after--review--by--the-Department--and--after--consultation--with--the-Illinois-Hospital-Licensing-Board-or-its-delegated-representatives--A-List-of-these-codes--appears--in-Appendix-A7-Exhibit-A-37--Exceptions-A7~~ The recommendations of the ~~Uniform~~ BOCA National Building Code shall apply insofar as such recommendations are not in conflict with the standards set forth in ~~these-requirements~~ this Part or with the National Fire Protection Association Code (NFPA) Standard No. 101 (1994), "Life Safety Code."
- B7A) The portions of the ~~Uniform~~ BOCA National Building Code requiring: automatic extinguishing systems in all hospitals, smoke detectors in all patient rooms, and automatic door closers on all patient room doors are hereby specifically excluded from these requirements.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

E7B) The ~~Uniform~~ BOCA National Building Code is intended as a model code for municipalities with no Building Code of their own.

B7C) NFPA Standard No. 101-M7-1981 (1992), ~~Edition7-1ife--Safety-Code7--Appendix--e~~ "Alternative Approaches to Life Safety," shall apply only if the Department determines that the proposed equivalent system is safe and does not constitute a hazard to the life and safety of the staff and patients.

473) ~~Availability--of--Codes~~. The codes and standards referenced in this Act Part can be ordered from the various agencies at the addresses listed in ~~Appendix-A7--Exhibit-B~~. Section 250.160.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 250.2450 Details

- a) Compartmentation, exits, automatic extinguishing systems and other details relating to fire prevention and fire protection shall comply with requirements listed in the appropriate sections of the NFPA National Fire Protection Association Standard 101 (1994), "Life Safety Code."
- b) Items such as drinking fountains, telephone booths, vending machines, and portable equipment shall be located so as not to restrict corridor traffic or reduce the corridor width below the required minimum.
- c) Doors
- 1) Doors to patient rooms shall not be lockable from inside the room.
 - 2) Special Locking Arrangements:
 - A) Electronic locking devices may be installed at specific locations to restrict egress or ingress for patient/staff safety or security provided each of the following is complied with and after receiving approval from the Department:
 - A) The facility must submit a narrative to the Department providing a rationale for having a locked door in a required means of egress. The rationale must relate to security issues.
 - B) The building must be protected by a sprinkler or fire detection system approved by the Department.
 - C) All locking system components must be U.L. listed.
 - D) Cross corridor, smoke or control doors that are located in a required means of egress may only be secured with electronic locks and automatic release devices. The use of manual keys or tools only to unlock the door is not permitted.
 - E) Locked doors must have continuous staff supervision (direct or electronic remote).
 - F) No other type of locking arrangement may be used in a required means of egress.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- G) All locked doors must release automatically with actuation of the fire alarm system.
- H) All doors must release automatically with loss of electrical power to the locking device.
- I) All locks initiate an irreversible process that will release the lock within 15 seconds whenever a force of not more than 15 pounds is continuously applied to the release device (knob, handle, or panic bar) for a period of not more than 3 seconds. Relocking of such doors shall activate a sign in the vicinity of the door to assure those attempting to exit that the system is functional. Delays of up to 30 seconds may be acceptable based on the program narrative.
- J) Permanent signs must be posted on locked doors that state "push until alarm sounds. Door will be opened in 15 seconds." Sign letters must be at least one inch high with 1/8 inch stroke. Signs may be omitted for security reasons based on review of the hospital's written rationale.
- K) Emergency lighting must be provided at all locked door locations.
- L) The local fire department must be fully apprised of locked doors or units and all related details of the system.
- M) Any discharge exit door may be locked against entry.
- N) Additional electronic release of locked doors initiated from a staff duty station is to be provided.
- O) No more than one such device may be installed in any path of travel to exit discharge.
- d) The minimum width of all doors to rooms needing access for beds or stretchers shall be 3'8". Doors to rooms needing access for wheelchairs shall have a minimum width of 2'10".
- e) Doors on all openings between corridors and rooms or spaces subject to occupancy, except elevator doors, shall be swing type. Openings to showers, baths, patient toilets, and other small wet-type areas not subject to fire hazard are exempt from this requirement. Sliding doors with a break and swing feature are acceptable.
- f) Doors, except those to spaces such as small closets which are not subject to occupancy, shall not swing into corridors in a manner that might obstruct traffic flow or reduce the required corridor width. (Large walk-in type closets are considered as occupiable spaces.)
- g) Windows shall be designed so that persons cannot accidentally fall out of them when they are open, or shall be provided with guards.
- h) Glazing
 - 1) Doors, sidelights, borrowed lights, and windows in which the glazing extends down to within 18 inches of the floor (thereby creating possibility of accidental breakage by pedestrian traffic) shall be glazed with safety glass, wire glass, or plastic glazing material that will resist breaking and will not create dangerous cutting edges when broken. Similar materials shall be used in wall openings or recreation rooms and exercise

- rooms. Safety glass or plastic glazing materials shall be used for shower doors and bath enclosures. Wire glass shall be used where required for fire safety.
- 2) Safety glass or plastic glazing materials as noted above shall be used in windows and doors in patient areas of psychiatric facilities, if required by the program. See the Safety Glazing Materials Act for other requirements.
- i) Where labeled fire doors are required, these shall be certified by an independent testing laboratory as meeting the construction requirements equal to those for fire doors in NFPA Standard NO. 80 (1990) "Fire Doors and Windows". Reference to a labeled door includes labeled frame and hardware.
- j) Elevator shaft openings shall be class B 1 1/2 hour labeled fire doors.
- k) Linen and refuse chutes shall meet or exceed the following requirements:
 - 1) Service openings to chutes shall not be located in corridors or passageways but shall be located in a room of construction having a fire-resistance of not less than one hour. Doors to such rooms shall be not less than class C 3/4 hour labeled doors.
 - 2) Service openings to chutes shall have approved self-closing class B 1 1/2 hour labeled fire doors.
 - 3) Minimum cross-sectional dimension of gravity chutes shall be not less than 2'0".
 - 4) Chutes shall discharge directly into collection rooms separated from incinerator, laundry, or other services. Separate collection rooms shall be provided for trash and for linen. The enclosure construction for such rooms shall have a fire-resistance rating of not less than two hours, and the doors thereto shall be not less than class B 1 1/2 hour labeled fire doors. External discharge containers need not be enclosed.
 - 5) Gravity chutes shall extend through the roof with provisions for continuous ventilation as well as for fire and smoke ventilation. Openings for fire and smoke ventilation shall have an effective area of not less than that of the chute cross-section and shall be not less than 4'0" above the roof and not less than 6'0" clear of other vertical surfaces. Fire and smoke ventilating openings may be covered with single strength sheet glass.
 - 6) See NFPA Standard No. 82 (1990) "Incinerators and Rubbish Handling" for other requirements.
- l) Dumbwaiters, conveyors, and material handling systems shall not open directly into a corridor or exitway but shall open into a room enclosed by construction having a fire-resistance rating of not less than one hour and provided with class C 3/4 hour labeled fire doors. Service entrance doors to vertical shafts containing dumbwaiters, conveyors, and material handling systems shall be not less than class B 1 1/2 hour labeled fire doors. Where horizontal conveyors and material handling systems penetrate fire-rated walls or smoke

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

partitions, such openings must be provided with class B 1 1/2 hour labeled fire doors for two hour walls and class C 3/4 hour labeled fire doors for one hour walls or partitions.

m) Thresholds and expansion joint covers shall be made flush with the floor surface to facilitate use of wheelchairs and carts.

n) Grab bars shall be provided at all patients' toilets, showers, tubs, and sitz baths. The bars shall have 1 1/2 inch clearance to walls and shall have sufficient strength and anchorage to sustain a concentrated load of 250 pounds.

x) the ambient room temperature.

y) Noise reduction criteria shown in the following table shall apply to partition, floor, and ceiling construction in patient areas. (See Section 250. Table B for sound transmission limitations in general hospitals.) (Not applicable to existing.)

Elevators.

All hospitals having patients' facilities (such as Bedrooms, Dining Rooms, or Recreation Areas) or critical services (such as Operating, Delivery, Diagnostic, or Therapy) located on other than the main entrance floor shall have electric or electrohydraulic elevators.

o) Recessed soap dishes shall be provided at showers and bathtubs.

p) Location and arrangement of handwashing facilities shall permit their proper use and operation. Particular care should be given to the clearances required for blade-type operating handles.

q) Mirrors shall not be installed at handwashing fixtures in food preparation areas or in sensitive areas such as Nurseries, Clean and Sterile Supplies, and scrub sinks.

r) Paper towel dispensers and waste receptacles (or electric hand dryers) shall be provided at all handwashing facilities except scrub sinks.

s) Lavatories and handwashing facilities shall be securely anchored to withstand an applied vertical load of not less than 250 pounds on the front of the fixture.

1) Number of Elevators

A) At least one hospital-type elevator shall be installed where 1 to 59 patient beds are located on any floor other than the main entrance floor.

B) At least two hospital-type elevators shall be installed where 60 to 200 patient beds are located on floors other than the main entrance floor, or where the major inpatient services are located on a floor other than those containing patient beds. (Elevator service may be reduced for those floors which provide only partial inpatient services.)

C) At least three hospital-type elevators shall be installed where 201 to 350 patient beds are located on floors other than the main entrance floor, or where the major inpatient services are located on a floor other than those containing patient beds. (Elevator service may be reduced for those floors which provide only partial inpatient services.)

t) Radiation protection requirements of X-ray and gamma ray installations shall conform with National Council on Radiation Protection and Measurements (NCRP), Report No. 49-34: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report No. 102; Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use)(1989). Provision shall be made for testing the completed installation and all defects must be corrected before use.

2) Cars and platforms. Cars of hospital-type elevators shall have dimensions that will accommodate a patient bed and attendants and shall be at least 5'0" by 7'6". The car door shall have a clear opening of not less than 3'8".

3) Leveling. Elevators shall be equipped with an automatic leveling device of the two-way automatic maintaining type with an accuracy of +1/2 inch.

4) Operation. Elevators, except freight elevators, shall be equipped with a two-way special service key operated switch to permit cars to bypass all landing button calls and be dispatched directly to any floor.

5) Elevator controls, alarm buttons, and telephones shall be accessible to physically handicapped.

6) Elevator call buttons, controls, and door safety stops shall be of a type that will not be activated by heat or smoke.

7) Inspections and tests shall be made and written certification shall be furnished that the installation meets the requirements set forth in this Section and all applicable safety regulations and codes.

u) Ceiling heights shall be as follows:

1) Boiler rooms shall have ceiling clearances not less than 2'6" above the main boiler header and connecting piping.

2) Radiographic, Operating and Delivery Rooms, and other rooms containing ceiling-mounted equipment or ceiling-mounted surgical light fixtures shall have height required to accommodate the equipment or fixtures.

3) All other rooms shall have not less than 8'0" ceilings except that corridors, storage rooms, toilet rooms, and other minor rooms shall be not less than 7'8". Suspended tracks, rails, and pipes located in the path of normal traffic shall be not less than 6'8" above the floor.

v) Recreation Rooms, Exercise Rooms, and similar spaces where impact noises may be generated shall not be located directly over patient bed areas, delivery or operating suites, unless special provisions are made to minimize such noise.

w) Rooms containing heat-producing equipment (such as Boiler or Heater Rooms and Laundries) shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 10°F. (6°C.) above

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

2) Provisions for Natural Disasters

- 1) General Requirements. An emergency radio communication system is desirable in each facility. If installed, this system shall be self-sufficient in time of emergency and shall also be linked with the available community system and state emergency medical network system, including connections with police, fire, and civil defense system.
- 2) Earthquakes. In regions where local experience shows that earthquakes have caused loss of life or extensive property damage, buildings and structures shall be designed to withstand the force assumptions specified in the ~~1980~~ ~~Uniform~~ BOCA National Building Code. Seismic zones are identified on the map on shown in Section 250.111, Illustration A.
- 3) ~~Hurricanes~~ ~~Tornadoes~~ and Floods. Special provisions shall be made in the design of buildings in regions where local experience shows loss of life or damage to buildings resulting from ~~hurricanes~~ ~~tornadoes~~ or floods.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 250.2460 Finishes

- a) Cubicle and window curtains and draperies shall be noncombustible or rendered flame retardant and shall pass both the large and small scale tests of ~~NFPA~~ National Fire Protection Association Standard No. 701 (1989), "Fire Tests for Flame-Resistant Textiles and Films."
- b) Flame spread and smoke developed ratings of finishes shall be in accordance with NFPA Standard No. 101: (1994). ~~"Life Safety Code"~~
- c) Floors in areas and rooms in which flammable anesthetic agents are stored or administered to patients shall comply with NFPA Standard ~~56A~~ ~~Health Care Facilities Code~~. Conductive flooring may be omitted from emergency treatment, operating, and delivery rooms provided that a written resolution is signed by the hospital board stating that no flammable anesthetic agents will be used in these areas and provided that appropriate notices are permanently and conspicuously affixed to the wall in each such area and room.
- d) Floor materials shall be easily cleanable and have wear resistance appropriate for the location involved. Floors in areas used for food preparation or food assembly shall be water-resistant and grease-proof. Joints in tile and similar material in such areas shall be resistant to food acids. Floors in toilets, baths, janitor's closets and similar areas shall be water resistant. In all areas frequently subject to wet cleaning methods, floor materials shall not be physically affected by germicidal and cleaning solutions.
- e) Wall bases in kitchens, operating and delivery rooms, soiled workrooms, and other areas which are frequently subject to wet

cleaning methods shall be made integral and covered with the floor, tightly sealed to the wall, and constructed without surface voids that can harbor vermin.

- f) All wall finishes shall be washable and, in the immediate area of plumbing fixtures, shall be smooth and moisture resistant. Walls in surgery, delivery, kitchens and in other spaces, subject to frequent cleaning shall be of suitable materials.
- g) Floor and wall penetrations by pipes, ducts, and conduits shall be tightly sealed to minimize entry of vermin, smoke and fire. Joints of structural elements shall be similarly sealed.
- h) Ceilings shall be cleanable and those in sensitive areas such as surgical, delivery, and nursery rooms shall be readily washable and without crevices that can retain dirt particles. These sensitive areas along with the dietary and food preparation areas shall have a finished ceiling covering all overhead duct work and piping. Finished ceilings may be omitted in mechanical and equipment spaces, shops, general storage areas, and similar spaces, unless required for fire-resistive purposes.
- i) The following areas shall have acoustical ceilings:
- 1) Corridors in Patient Areas,
 - 2) Nurses' Stations,
 - 3) Labor Rooms,
 - 4) Day Rooms,
 - 5) Recreation Rooms,
 - 6) Dining Areas,
 - 7) Waiting Areas.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 250.2470 Structural

- a) ~~Codes~~: In addition to compliance with the Standards set forth in this ~~subpart~~ Subpart, all applicable local or State building codes and regulations must be observed.
- b) ~~Design~~ ~~data~~ ~~General~~: The buildings and all parts thereof shall be of sufficient strength to support all dead, live, and lateral loads without exceeding the working stresses permitted for the materials of their construction in generally accepted good engineering practice.
- 2) ~~Spectra~~:
- c) ~~A~~ Special provision shall be made for machines or apparatus loads which would cause a greater load than the specified minimum live load.
- d) ~~B~~ Consideration shall be given to structural members and connections of structures which may be subject to earthquakes ~~hurricanes~~ or tornadoes. (See Section 250.2450(z)). Floor areas where partition locations are subject to change shall be designed to support for the partition, a uniformly distributed load of 25 p.s.f.
- e) ~~C~~ Construction. Construction shall be in accordance with the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

requirements of NFPA National Fire Protection Association Standard No. 101 (1994), "Life Safety Code" and the minimum requirements contained herein.

- 1) Foundations shall rest on natural solid ground and shall be carried to a depth of not less than one foot below the estimated frost line or shall rest on leveled rock or load-bearing piles or caissons when solid ground is not encountered. Footings, piers, and foundation walls shall be adequately protected against deterioration from the action of ground water. Test borings shall be taken to establish proper soil-bearing values for the soil at the building site.
- 2) Assumed live loads shall be in accordance with the Uniform BOCA National Building Code.
- 3) All hospitals ~~of any~~ over one story in height shall be of fire resistive construction. The fire resistance rating of the structural members shall be as established by NFPA 220 (1992), "Standard Types of Building Construction" for ~~three-hour~~ fire resistive Type I (332) construction.

4) Any additions to existing hospitals that are one story in height and of protected non-combustible construction may be constructed of protected non-combustible construction. The resistance rating of the structural members shall be as established by NFPA Standard No. 220 (1992), "Standard Types of Building Construction" for Type II (222).

4)5) Interior finish flame spread ratings shall be in accordance with the ~~National Fire Protection Association~~ NFPA Standard No. 101 (1994), "Life Safety Code" ~~101~~, Standards for Flame Spread and Smoke Emission Ratings.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 250.2480 Mechanical

a) General

- 1) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of the plans and specifications.
- 2) Upon completion of the contract, the owner shall obtain a complete set of manufacturers installation, operating, maintenance and preventive maintenance instructions, and parts list with numbers and description for each piece of equipment. The owner shall also obtain instruction in the operational use of the systems and equipment as required.

b) Thermal and Acoustical Insulation

- 1) Insulation shall be provided for the following which are located within the building:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- A) Boilers, smoke breeching, and stacks.
- B) Steam supply and condensate return piping.
- C) Hot water piping above 120° F and all hot water heaters, generators, and converters. Exposed hot water supplies to fixtures need not be insulated except where exposed to contact by the physically handicapped.
- D) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
- E) Water supply, storm and drainage piping on which condensation may occur.
- F) Air ducts and casings with outside surface temperature below ambient dew point.
- G) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.

2) Insulation on cold surfaces shall include an exterior vapor barrier.

3) Insulation, including finishes and adhesives on exterior surfaces of ducts and equipment, shall have a flame spread rating of 25 or less and a smoke developed rating of 50 or less as determined by an independent testing laboratory in accordance with NFPA-Standard No. 255 (1979) (1990), "Standard Method of Test of Surface Burning Characteristics of Building Material."

A) Pipe insulation shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less.

B) All construction exposed to air flow in air distribution plenums shall have a flame spread rating of 25 or less and a smoke developed rating of 50 or less.

4) No duct linings shall be permitted downstream of the 90% filters serving areas requiring 90% filtration.

c) Steam and Hot Water Systems

1) ~~Boilers~~ Boilers shall have the capacity to supply the normal requirements of all systems and equipment. The number and arrangement of boilers shall be such that when one boiler breaks down or is temporarily taken out of service, the capacity of the remaining boiler(s) shall be sufficient to: provide hot water service for clinical, dietary and patient use; steam for sterilization and dietary purposes; heating for surgery, delivery, labor, recovery, intensive care, nursery, and general patient rooms.

2) ~~Boiler Accessories~~ Boiler feed pumps, heating circulating pumps, condensate return pumps and fuel oil pumps shall be connected and installed to provide normal and standby service.

3) ~~Valves~~ Supply and return mains and risers of cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at supply and return ends.

4) ~~Humidifiers~~ Humidifiers used in conjunction with air handling

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- systems shall be of the direct steam injection type.
- d) Air Conditioning, Heating and Ventilating Systems
- 1) It is the intent of these regulations to provide a comfortable, clean, controlled environment for the hospital by employing the most economical and energy efficient systems consistent with these minimum requirements.
 - A) The minimum requirements as set forth in these regulations in no way relieve the designer from providing system capacities and components as required to maintain control of air quality, odor, ventilation rates, space temperatures and space humidity as set forth in these regulations.
 - B) The design of air conditioning, heating and ventilation systems shall be based on no less than the recommended outdoor design conditions listed in the Fundamentals-Volume of the ASHRAE Handbook of Fundamentals (1981) for 99% occurrence (Winter) and 1% occurrence (Summer).
 - 2) Ventilation Systems:
 - A) Air handling systems shall conform to NFPA Standard No. 90A (1989), "Installation of Air Conditioning and Ventilating Systems," NFPA-90A/1991.
 - B) Fire dampers, smoke dampers and smoke control systems shall be constructed, located and installed in accordance with the requirements of NFPA Standard No. 90A/1991 (1989), Fire Conditioning-Systems: "Installation of Air Conditioning and Ventilating Systems."
 - C) Ducts which penetrate construction intended for x-ray or other ray protection shall be protected to preserve the effectiveness of the protection.
 - D) Outdoor air intakes shall be located at least 15 feet from exhaust outlets of ventilation systems, combustion equipment stacks, medical/surgical vacuum systems, plumbing vents or from areas which may collect vehicular exhaust or other noxious fumes unless other provisions are made to minimize recirculation of exhaust into outdoor air intakes. Plumbing and vacuum vents that terminate above the level of the top of the air intake may be located as close as ten feet. The bottom of outdoor air intakes serving central systems shall be located as high as practical but at least six feet above ground level, or if installed above the roof, three feet above the roof level.
 - E) Exhaust outlets from areas that may be contaminated by dangerous or noxious dust, fumes, mists, gases, odors, infectious material or other contaminants harmful to people shall be above the roof level. The discharge to the atmosphere shall be located as far as possible but not less than 25 feet from any operable window, door, and/or outdoor intake for a fan which discharges air to an occupied space.
 - F) The ventilation systems shall be designed and balanced to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- provide the ventilation and pressure relationships hereinafter specified.
- G) If the ventilation rates required (as hereinafter specified) do not provide sufficient make-up air for use by hoods, safety cabinets, and exhaust fans, the additional make-up air shall be provided to maintain required pressure balance.
 - H) An all outdoor air system may be used where required by local codes, provided that some form of air to air or air to water heat recovery system will be included to reclaim the energy otherwise discharged with the air exhausted to the outside.
 - I) Recirculating-Systems:--(Patient-Care---Areas)To provide maximum energy conservation, air supplied to these-areas patient care areas not required as make-up air for 100% exhaust systems shall be recirculated. Any air within the hospital which is circulated between patient rooms, or patient rooms and other areas of the hospital, shall pass through filters having an efficiency of 90% (see subsection (d)(3) on filters below).
 - J) Recirculating-Systems:--(Housekeeping-Administrative-Areas) and-other-non-sensitive-areas)To provide maximum maximum energy conservation, air supplied to these-areas housekeeping, administration and other nonsensitive areas not required as make-up air for 100% exhaust systems shall be recirculated. These areas require filters having a minimum efficiency of 30% on the inlet side of the Air Handling Unit.
 - K) When a central system serves areas with different filtration requirements, the most stringent filtration requirement will be provided for the complete system.
 - L) All outside air supplied to patient care areas shall pass through 90% filters (see subsection (d)(3) on filters below).
 - M) Minimum air circulation requirements indicated hereinafter are applicable to occupied spaces. During unoccupied periods, minimum air circulation may be provided as required to maintain space design temperature conditions.
 - N) Where fan coil or terminal room unit systems are provided in areas to be occupied by patients, through the wall outside air ventilation is not acceptable. A separate central ventilation system, with final filters having a minimum efficiency of 90%, shall supply the required outdoor air ventilation.
- 3) Filters
- A) All central ventilation or air conditioning systems shall be equipped with filters having efficiencies no less than those specified in the area requirements.
 - B) Where two filter beds are required, filter bed No. 1 shall

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- ii) Relative Humidity, winter, minimum..... 30%
 - iii) Relative Humidity, summer, maximum..... 60%
- C) Air Circulation:
- i) Total air supplied to each space shall be as required to maintain space design conditions.
 - ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
- D) Space Pressurization:
- Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... negative
- E) Recirculation of air within room permitted except in areas, as listed below, where all air must be exhausted directly to the outdoors..... yes
- F) Air from the following areas shall be exhausted directly to the outdoors:

- be located upstream of the conditioning equipment and filter bed No. 2 shall be located downstream of the supply fan and conditioning equipment.
- C) Where only one filter bed is required, it shall be located upstream of the air conditioning equipment.
- D) All filter efficiencies shall be average atmospheric dust spot efficiencies tested in accordance with ASHRAE Standard 52-76- Handbook of Fundamentals (1981).
- E) Filter frames shall be durable and shall provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work shall be gasketed or sealed to provide a positive seal against air leakage.
- F) A local indicating device shall be installed across each filter bed serving central air systems to measure the static pressure drop across the bed.
- Area Requirements: These requirements are listed in outline format.
- 1) Administration, Public Area, Medical Records, and Housekeeping Offices.
- A) Filters:
- i) Central ventilations systems shall be provided with prefilters having a minimum efficiency of..... 30%
 - ii) Units which recirculate air within a room shall be provided with filters having a minimum efficiency of..... 10%
- B) Space Design Conditions:
- i) Temperature, dry bulb..... 75° F
 - ii) Relative Humidity, winter, minimum..... 30%
 - iii) Relative Humidity, summer, maximum..... 60%
- C) Air Circulation:
- i) Total air supplied to each space shall be as required to maintain space design conditions.
 - ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
- D) Space Pressurization:
- Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... neutral
- E) Recirculation of air within room permitted..... yes
- 2) Laboratories
- A) Filters:
- i) Central ventilations systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of. 90%
 - ii) Units which recirculate air within a room shall be provided with filters having a minimum efficiency of..... 30%
- B) Space Design Conditions:
- i) Temperature, dry bulb..... 75° F

- i) All fume hoods
 - ii) Histology
 - iii) Bacteriology
 - iv) Glass Washing Areas
- G) All air exhausted from fume hoods shall be made up with outside air.
- H) Laboratory hoods shall meet the following general requirements:
- i) have an average face velocity of not less than 75 feet per minute.
 - ii) be connected to an exhaust system which is separate from the building exhaust system.
 - iii) have an exhaust duct system of noncombustible corrosion-resistant material consistent with the usage of the hood.
 - iv) have an exhaust fan located at the discharge end of the duct system unless provided with welded stainless steel duct from fan outlet to termination.
- I) Laboratory hoods shall meet the following special requirements:
- i) Each hood which processes infectious or radioactive materials shall have a minimum face velocity of 100 feet per minute, shall be connected to an independent exhaust system, shall be provided with filters with 99.97 percent efficiency (based on the DOP, dioctylphthalate, test method as described in DOP Penetration Test Method MIL STD No. 282 (1976): ~~Filter~~ Filter Units, Protective Clothing, Gas-Mask Components and Related Products: Performance Test Methods-1976) in the exhaust system, and shall be designed and equipped to permit the safe removal, disposal and replacement of contaminated filters.

- i) All fume hoods
 - ii) Histology
 - iii) Bacteriology
 - iv) Glass Washing Areas
- G) All air exhausted from fume hoods shall be made up with outside air.
- H) Laboratory hoods shall meet the following general requirements:
- i) have an average face velocity of not less than 75 feet per minute.
 - ii) be connected to an exhaust system which is separate from the building exhaust system.
 - iii) have an exhaust duct system of noncombustible corrosion-resistant material consistent with the usage of the hood.
 - iv) have an exhaust fan located at the discharge end of the duct system unless provided with welded stainless steel duct from fan outlet to termination.
- I) Laboratory hoods shall meet the following special requirements:
- i) Each hood which processes infectious or radioactive materials shall have a minimum face velocity of 100 feet per minute, shall be connected to an independent exhaust system, shall be provided with filters with 99.97 percent efficiency (based on the DOP, dioctylphthalate, test method as described in DOP Penetration Test Method MIL STD No. 282 (1976): ~~Filter~~ Filter Units, Protective Clothing, Gas-Mask Components and Related Products: Performance Test Methods-1976) in the exhaust system, and shall be designed and equipped to permit the safe removal, disposal and replacement of contaminated filters.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- ii) Duct systems serving hoods in which radioactive and/or strong oxidizing agents such as perchloric or nitric acid are used shall be constructed of stainless steel and shall be equipped with wash down facilities.
- 3) Morgue and Autopsy Suite
 - A) Filters:
 - i) Central ventilations systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of. 90%
 - B) Space Design Conditions:
 - i) Temperature, dry bulb..... 75° F
 - ii) Relative Humidity, winter, minimum..... 30%
 - iii) Relative Humidity, summer, maximum..... 60%
 - C) Air Circulation:
 - i) Total air supplied to each space shall be as required to maintain space design conditions.
 - ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
 - D) Space Pressurization:
 - i) Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... neutral
 - ii) Recirculation of air within room permitted..... yes
 - F) Air from the following areas shall be exhausted directly to the outdoors:
 - Nuclear medicine and isotope storage.
- 5) Pharmacy Suite
 - A) Filters:
 - i) Central ventilations systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of. 90%
 - ii) Units which recirculate air within a room shall be provided with filters having a minimum efficiency of 30%
 - B) Space Design Conditions:
 - i) Temperature, dry bulb..... 75F
 - ii) Relative Humidity, winter, minimum..... 30%
 - iii) Relative Humidity, summer, maximum..... 60%
 - C) Air Circulation:
 - i) Total air supplied to each space shall be as required to maintain space design conditions.
 - ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
 - D) Space Pressurization:
 - i) Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... neutral
 - ii) Recirculation of air within room permitted..... yes
 - E) Physical Therapy Suite and Hydrotherapy
 - A) Filters:
 - i) Central ventilations systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of. 90%
 - ii) Units which recirculate air within a room shall be provided with filters having a minimum efficiency of 30%
 - B) Space Design Conditions:
 - i) Temperature, dry bulb..... 75F
 - ii) Relative Humidity, winter, minimum..... 30%
 - iii) Relative Humidity, summer, maximum..... 60%
 - C) Air Circulation:
 - i) Total air supplied to each space shall be as required to maintain space design conditions.

- ii) Duct systems serving hoods in which radioactive and/or strong oxidizing agents such as perchloric or nitric acid are used shall be constructed of stainless steel and shall be equipped with wash down facilities.
- 3) Morgue and Autopsy Suite
 - A) Filters:
 - i) Central ventilations systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of. 90%
 - B) Space Design Conditions:
 - i) Temperature, dry bulb..... 75° F
 - ii) Relative Humidity, winter, minimum..... 30%
 - iii) Relative Humidity, summer, maximum..... 60%
 - C) Air Circulation:
 - i) Total air supplied to each space shall be as required to maintain space design conditions.
 - ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
 - D) Space Pressurization:
 - i) Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... negative
 - ii) Recirculation of air within room permitted..... no
 - F) Air from the following areas shall be exhausted directly to the outdoors:
 - Autopsy
 - Non-refrigerated body holding rooms
- 4) Radiology Suite; X-Ray Diagnostic, Fluoroscopy, and Special Procedures
 - A) Filters:
 - i) Central ventilations systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of. 90%
 - ii) Units which recirculate air within a room shall be provided with filters having a minimum efficiency of 30%
 - iii) The exhaust from isotope storage shall be provided with filters with 99.97% efficiency (based on the DOP, dioctylphthalate, test method as described in DOP Penetration Test Method MIL-STD No. 282 (1976); Filter Units, Protective Clothing, Gas-Mask Components and Related Products: Performance Test Methods 7-1976).
 - B) Space Design Conditions:
 - i) Temperature, dry bulb..... 75° F
 - ii) Relative Humidity, winter, minimum..... 30%
 - iii) Relative Humidity, summer, maximum..... 60%
 - C) Air Circulation:
 - i) Total air supplied to each space shall be as required to maintain space design conditions.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:
Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... neutral
E) Recirculation of air within room permitted..... negative
Occupational Therapy Suite

7) Filters:
A) Filters:
i) Central ventilations systems shall be provided with prefilters having a minimum efficiency of..... 30%
ii) and final filters having a minimum efficiency of. 90%
iii) Units which recirculate air within a room shall be provided with filters having a minimum efficiency of 30%

B) Space Design Conditions:

i) Temperature, dry bulb..... 75F
ii) Relative Humidity, winter, minimum..... 30%
iii) Relative Humidity, summer, maximum..... 60%

C) Air Circulation:

i) Total air supplied to each space shall be as required to maintain space design conditions.
ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... neutral
E) Recirculation of air within room permitted..... Yes
Nursing Units (including units such as medical, surgical, intensive care, pediatric, psychiatric, obstetric)

A) Filters:

i) Central ventilations systems shall be provided with prefilters having a minimum efficiency of..... 30%
ii) and final filters having a minimum efficiency of. 90%
iii) Units which recirculate air within a room shall be provided with filters having a minimum efficiency of 10%

B) Space Design Conditions:

i) Temperature, dry bulb..... 75F
ii) Relative Humidity, winter, minimum..... 30%
iii) Relative Humidity, summer, maximum..... 60%

C) Air Circulation (Patient Rooms):

i) Total air supplied, cfm per bed..... 15
ii) Outdoor air supplied, cfm per bed..... 10

D) Air Circulation:

i) Total air supplied to each space shall be as required to maintain space design conditions.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

E) Space Pressurization:
Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... neutral
F) Recirculation of air within room permitted..... Yes
G) Isolation Rooms: These rooms may be used two ways: to protect the patient from the hospital environment or to protect the hospital environment from the patient.

Isolation rooms shall have the same conditions as other patient rooms, except the air flow shall be capable of being either into the room or out of the room. When the hospital is being protected (communicable disease disease), all air shall be exhausted directly to the outdoors.

9) Newborn Care Unit

A) Filters:

i) Central ventilations ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
ii) and final filters having a minimum efficiency of. 90%
iii) Units which recirculate air within a room shall be provided with filters having a minimum efficiency of 30%

B) Space Design Conditions:

i) Temperature, dry bulb..... 75F
ii) Relative Humidity, winter, minimum..... 30%
iii) Relative Humidity, summer, maximum..... 60%

C) Air Circulation (Patient Rooms):

i) Total air supplied, cfm per bed..... 15
ii) Outdoor air supplied, cfm per bed..... 10

D) Air Circulation:

i) Total air supplied to each space shall be as required to maintain space design conditions.
ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

E) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... neutral
F) Recirculation of air within room permitted..... Yes

10) Surgical Suite-Operating Rooms

A) Filters:

i) Central ventilations systems shall be provided with prefilters having a minimum efficiency of..... 30%
ii) and final filters having a minimum efficiency of. 90%
iii) Units which recirculate air within a room shall be provided with filters having a minimum efficiency of

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- B) Space Design Conditions: 30%
 - i) Temperature, dry bulb (adj. range)..... 70° F - 76° F
 - ii) Relative Humidity, winter, minimum..... 40%
 - iii) Relative Humidity, summer, maximum..... 60%
- C) Air Circulation:
 - i) Total air supplied, air changes per hour..... 15
 - ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
- D) Space Pressurization:
 - Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... positive
- E) Recirculation of air within room permitted..... yes
- F) Minimum requirements for all other spaces within the surgical suite shall be the same as required for Nursing Units.
- G) The minimum circulation rate for operating rooms shall be based on lowest 9 feet of room height. Air quantity shall be increased as required to meet greater loads and still maintain the desired space conditions.
- H) All operating rooms shall have scavenger systems for removing spent anesthetic gases as per NFPA 56K/1900-Standard No. 99 (1993), "Health Care Facilities Code."
- I) Operating rooms' air supply shall be from ceiling outlets near the center of the work area to effectively control air movement. Return air shall be not less than 3 inches nor more than 12 inches from the floor. Each operating room shall have at least two return air inlets located as remotely from each other as practical.

- iv) Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... ~~Neutral~~ neutral
- D) Recirculation of air within room permitted..... ~~Neutral~~ neutral
- E) Delivery rooms' air supply shall be from ceiling outlets near the center of the work area to effectively control air movement. Return air shall be not less than 3 inches nor more than 12 inches from the floor. Each delivery room shall have at least two return air inlets located as remotely from each other as practical.
- F) Where anesthetic gases are used, scavenger system for removing spent anesthetics gases as per NFPA Standard No. 56K/1900 99 (1993), "Health Care Facilities Code" shall be provided.
- G) Where cesarean section is performed, the delivery room HVAC requirements shall be as per operating rooms.

12) Emergency Suite

11) Obstetrics Suite

- A) Filters:
 - i) Central ~~ventilations~~ ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
 - ii) and final filters having a minimum efficiency of. 90%
 - iii) Units which recirculate air within a room shall be provided with filters having a minimum efficiency of 10%
- B) Space Design Conditions:
 - i) Temperature, dry bulb..... 75° F
 - ii) Relative Humidity, winter, minimum..... 30%
 - iii) Relative Humidity, summer, maximum..... 60%
- C) Air Circulation:
 - i) Total air supplied to each space shall be as required to maintain space design conditions.
 - ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
- D) Space Pressurization:
 - Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... ~~neutral~~ neutral
- E) Recirculation of air within room permitted..... yes

- A) Filters:
 - i) Central ventilations systems shall be provided with prefilters having a minimum efficiency of..... 30%
 - ii) and final filters having a minimum efficiency of. 90%
 - iii) Units which recirculate air within a room shall be provided with filters having a minimum efficiency of 30%
- B) Space Design Conditions:
 - i) Temperature, dry bulb (adj. range)..... 70° F - 76° F
 - ii) Relative Humidity, winter, minimum..... 30%
 - iii) Relative Humidity, summer, maximum..... 60%
- C) Air Circulation:
 - i) Total air supplied to each space shall be as required to maintain space design conditions.
 - ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
 - iii) Space Pressurization:
 - Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... ~~neutral~~ neutral

13) Outpatient Suite

13) Outpatient Suite

- A) Filters:
 - i) Central ~~ventilations~~ ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
 - ii) and final filters having a minimum efficiency of. 90%
 - iii) Units which recirculate air within a room shall be provided with filters having a minimum efficiency of 10%

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- B) Space Design Conditions:
 - i) Temperature, dry bulb..... 75F
 - ii) Relative Humidity, winter, minimum..... 30%
 - iii) Relative Humidity, summer, maximum..... 60%
- C) Air Circulation:
 - i) Total air supplied to each space shall be as required to maintain space design conditions.
 - ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
- D) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... neutral
- E) Recirculation of air within room permitted..... Yes
- 14) Food Preparation Area
 - A) Filters:
 - i) Central ventilations ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
 - ii) and final filters having a minimum efficiency of. 90%
 - B) Space Design Conditions:
 - Temperature, dry bulb..... 75F
 - C) Air Circulation:
 - i) Total air supplied to each space shall be as required to maintain space design conditions.
 - ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
 - D) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... negative
 - E) Recirculation of air within room permitted..... no
 - F) Minimum requirements for adjacent dining areas shall be the same as required for Public Areas.
 - G) If direct make-up hoods (short cycle) are used, all outside air to hood shall be filtered by 30% minimum efficiency filters and not cause cold cooking surfaces, condensation problems, or grease build-up due to cold temperature.
 - H) Kitchen air exhausted from the space through hoods must be made up with outside air. Air shall flow into the kitchen to prevent cooking odors from migrating throughout the hospital. Recirculation of air is permissible, if a central system is used, and serves only the kitchen, cafeteria, and ware washing area.
 - I) When there is a dishwasher being used, it shall have a separate exhaust that is interlocked with the dishwasher to operate only when the dishwasher operates.
 - J) Air supply quantity must equal or exceed air exhaust

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- quantity or meet the loads encountered, whichever is greater.
- K) During the unoccupied cycle, kitchen temperature shall be maintained at 75° F plus or minus 10° F.
- L) The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall be in conformance with NFPA Standard No. 96/1998 (1991), "Vapor Removal Cooking Equipment". That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by U.L. listed grease extractors.
 - i) Other exhaust hoods in food preparation centers shall have an exhaust rate of not less than 50 CFM per square foot of face area. The face area is the open area from exposed perimeter of hood to the open perimeter of the cooking surface.
 - ii) Cleanout openings shall be provided at each change in direction and in horizontal sections no more than 20 feet apart in the duct system serving kitchen and food preparation areas.
- 15) Central Sterile Supply
 - A) Filters:
 - i) Central ventilations ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
 - ii) and final filters having a minimum efficiency of. 90%
 - B) Space Design Conditions:
 - i) Temperature, dry bulb (adj. range)..... 75° F
 - ii) Relative Humidity, winter, minimum..... 30%
 - iii) Relative Humidity, summer, maximum..... 60%
 - C) Air Circulation:
 - i) Total air supplied to each space shall be as required to maintain space design conditions.
 - ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
 - D) Air flow shall be from the clean area toward soiled or decontamination area.
 - E) Sterilization Room:
 - i) Where only steam autoclaves are installed, the air exhausted from the sterilizer area for heat control may be recirculated through a central system which is provided with filters having a minimum efficiency of 90%.
 - ii) Where ethylene oxide sterilizers are used, all air contaminated with ethylene oxide above 1 PPM must be exhausted directly outdoors. No air shall be recirculated that has more than 1 PPM of ethylene oxide present.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

16) Linen Services; Laundry

- A) Filters:
- i) Central ~~ventilations~~ ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
 - ii) and final filters having a minimum efficiency of. 80%
- B) Space Design Conditions:
Temperature, dry bulb (winter)..... 70° F
- C) All air from the soiled storage and sorting area shall be exhausted directly to outdoors.
- D) Air flow shall be from the clean area to the soiled area. Air from the clean area may be used to make up air exhausted from the soiled area.
- E) Air from the clean area may be recirculated within the laundry complex, but shall pass through a lint screen or trap before returning to the air handling unit.
- F) The entire laundry ventilation system shall be controlled so that air flow is into the laundry from the hospitals.
- G) Circulation and ventilation rates may be variable, but sufficient outside air must be supplied to make up for exhaust. Minimum circulation of unconditioned air at summer design conditions shall be 2 CFM-ft² or 12 air changes per hour, whichever is larger.
- 17) Miscellaneous Supporting Areas
- A) Space temperatures shall be maintained for occupant comfort.
 - B) Ventilation system shall be designed and balanced so that air flows into these spaces from adjacent areas.
 - C) ~~Anesthesia~~ Anesthesia Storage Rooms:
 - i) All air shall be exhausted directly to the outdoors.
 - ii) Minimum exhaust ventilation rates shall be six (6) air changes per hour.
 - iii) The ventilation system shall conform to the requirements of NFPA-56A--~~(Inhalation--Anesthetics)~~ Standard No. 99 (1993), "Health Care Facilities Code," including the option to provide a gravity (non-mechanical) ventilation system.
 - iv) Supply air make-up for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.
 - D) Soiled Holding and Work Rooms:
 - i) All air shall be exhausted directly to the outdoors.
 - ii) Minimum exhaust ventilation rates shall be ~~ten--(10)~~ air changes per hour.
 - iii) Supply air make-up for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.
 - E) Toilet Rooms and Bathrooms:
 - i) Exhaust air may be recirculated through a central

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

ventilation system that is provided with final filters having a minimum efficiency of 90%. Otherwise, all air shall be exhausted directly to the outdoors.

- ii) Minimum exhaust ventilation rate shall be 1.5 cfm per square foot of floor area, but no less than 50 cfm.
 - iii) Supply air make-up for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.
- F) Janitor Closets, Linen and Trash Chute Rooms:
 - i) All air shall be exhausted directly to the outdoors.
 - ii) Minimum exhaust ventilation rate shall be 1.5 cfm per square foot of floor area, but no less than 50 cfm.
 - iii) Supply air make-up for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.
- G) Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures in working stations to 97° F effective temperature (97° F and 50% relative humidity or its equivalent) as defined by ASHRAE Handbook of Fundamentals (1981).
- H) Rooms containing heat-producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, sterilizer or mechanical equipment rooms, shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 100° F.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 250.2490 Plumbing and Other Piping Systems

- a) General
All plumbing systems shall be designed and installed in accordance with the requirements of the Illinois State Plumbing Code except that the number of waterclosets, urinals, lavatories, bathtubs, showers, drinking fountains and other fixtures shall be as required by these Requirements this Part and the hospital programs.
- b) Plumbing Fixtures
 - 1) Plumbing fixtures shall be of nonabsorptive acid-resistant materials.
 - 2) The water supply spout for lavatories and sinks required for filling pitchers, for medical and nursing staff and food handlers handwashing, shall be mounted so that its discharge point is a minimum perpendicular distance of 5 inches above the rim of the fixture.
 - 3) Handwashing lavatories used by medical and nursing staff and food handlers shall be trimmed with valves which can be operated

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

without the use of hands where specifically required in previous sections.

- A) When blade handles are used for this purpose the blade handles shall not exceed 4 1/2 inches in length, except the handles on clinical sinks shall not be less than 6 inches in length.
- B) The handwashing and/or scrub sinks, for Operating, Emergency Treatment, Nursery, and Delivery rooms shall be trimmed with valves which are acceptably operated (i.e., knee or foot controls) without the use of hands. Wrist blades are not acceptable.

- 4) Clinical rim flush sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.
- 5) Shower bases and tubs shall be provided with nonslip surfaces for standing patients.

c) Water Supply Systems

- 1) Systems shall be designed to supply water at sufficient pressure to operate all fixtures and equipment during maximum demand periods.
- 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.
- 3) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.
- 4) Bedpan flushing devices shall be provided on each patient toilet unless a clinical service sink is centrally located in each nursing unit. This requirement does not apply to psychiatric units.
- 5) Water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. Hot water at shower, bathing, and handwashing facilities shall not exceed 110° F (43° C). If the program requires, in psychiatric units, plumbing fixtures which require hot water and are accessible to patients shall be supplied with hot water not to exceed 100° F (38° C).

d) Hot Water Heaters and Tanks

- 1) The hot water heating equipment shall have sufficient capacity to supply water at the temperatures and quantities in the following areas:

	Clinical	Dietary	Laundry
gallons/hour/bed/ liters/second/bed	6 1/2	4	4 1/2
temperature ° F	.007	.004	.005
temperature ° C	100	180	180
	43	82	82

Water temperatures to be taken at hot water point of use or inlet to processing equipment.

- 2) Storage tanks shall be fabricated of corrosion-resistant metal or lined with non-corrosive material.

e) Drainage Systems

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- 1) Drain lines from sinks in which acid wastes may be poured shall be fabricated from acid-resistant material.
- 2) Insofar as possible, drain piping shall not be installed over operating and delivery rooms, nurseries, food preparation serving and storage areas and similar critical areas. Special precautions shall be taken to protect these areas from possible leakage or condensation from such overhead piping systems.
- 3) Floor drains shall not be installed in operating rooms. Flushing rim type drains may be installed in Cystoscopic Operating Rooms.
- 4) Building sewers shall discharge into a public sewerage system.
- 5) Where public sewerage system is not available, plans for any private sewage disposal system shall be submitted to the Environmental Protection Agency of Illinois for review for approval before hospital construction is started.
- f) Nonflammable medical gas systems shall be installed in accordance with ~~NFPA-56A--finheation--Anesthetics--and--56B--Nonflammable--Medical Gases~~; NFPA Standard No. 99 (1993), "Health Care Facilities Code." with Compressed Gas Association Pamphlet: P-2.1 (1970). "Standard for Medical-Surgical Vacuum Systems in Hospitals."
- h) Medical compressed air systems shall be installed in accordance with Compressed Gas Association Pamphlet P-2.1.
- i) Oxygen, vacuum and medical compressed air shall be piped to the locations indicated in Section 205, Table E with the required station outlets.
- j) Service outlets for central housekeeping vacuum systems, if used, shall not be located within operating rooms.
- k) Fire Extinguishing Systems.
 - 1) All fire extinguishing systems shall be designed, installed and maintained in accordance with ~~NFPA-101--Fire--Safety--Code~~; ~~NFPA-13--Sprinkler--Systems~~; and ~~NFPA-13A--Sprinkler--Systems Maintenance~~; NFPA Standard No. 101 (1994), "Life Safety Code," NFPA Standard No. 13 (1994), "Sprinkler Systems," and NFPA Standard No. 13A (1987), "Sprinkler System Maintenance."
 - 2) Class III, Type 1 inside standpipe system shall be provided in all buildings more than four (4) stories or fifty-five (55) feet in height. Such standpipe systems shall conform to the requirements of ~~NFPA-147--Standpipe--and--Hose--Systems~~; NFPA Standard No. 14 (1980), "Standpipe and Hose Systems."

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 250.2500 Electrical Requirements

- a) General
 - 1) All materials including equipment, conductors, controls, and signaling devices shall be installed in compliance with

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- applicable sections of the ~~National-Electrical-Code~~ NFPA Standard No. 70 (1984) (1993), "National Electric Code," including Article 517, and as necessary to provide a complete electrical system.
- 2) All electrical installations, including alarm, nurses' call and communication systems, shall be tested to demonstrate that the equipment installation and operation conforms to these requirements.
- b) ~~Switchboards and Power Panels~~
These items shall comply with NFPA Standard No. 70 (1993), "National Electrical Code," (1984). The main switchboard shall be located in an area separate from plumbing and mechanical equipment and be accessible only to authorized persons.
- c) ~~Panelboards~~. Panelboards serving lighting and appliance circuits shall be located on the same floor as the circuits they serve. This requirement does not apply to the life safety system.
- d) ~~Lighting~~.
- 1) All spaces occupied by people, machinery, and equipment within buildings, approaches to and through exits from buildings, and parking lots shall have lighting.
 - 2) Patients' rooms shall be equipped with general lighting and night lighting. A reading light shall be provided for each patient. At least one light fixture for night lighting shall be switched at the entrance to each patient room. All switches for control of lighting in patient areas shall be of the quiet operating type.
 - 3) Operating and delivery rooms shall have general lighting in addition to local lighting provided by special lighting units at the surgical and obstetrical tables. The general lighting shall provide a minimum of 100 footcandles at the procedure tables. Each fixed special lighting unit at the tables shall be connected to an independent circuit.
- e) ~~Receptacles (Convenience Outlets)~~.
- 1) ~~Anesthetizing-Booths~~-Each Operating and Delivery Room shall have at least two receptacles installed on each wall or eight receptacles in diversified locations per room.
 - 2) ~~Patients'-Rooms~~-Each patient room shall have duplex grounding type receptacles as specified in Article 517-83 and 517-84 of the National Electrical Code. The mounting height of these receptacles shall be 22 to 42 inches above the finished floor.
 - 3) ~~Corridors~~-Duplex receptacles for general use shall be installed approximately 50'0" apart in all corridors and within 25'0" of the ends of corridors. These receptacles shall be circuited to the emergency system. Single polarized receptacles marked for use of X-ray only shall be located in corridors of patient areas so that mobile equipment may be used in any location within a patient room without exceeding a cord length of 50'0" attached to the equipment. If the same mobile X-ray unit is used in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- operating rooms and in nursing areas, all receptacles for X-ray use shall be of a configuration that one plug will fit the receptacles in all locations. Where capacitive discharge or battery-powered X-ray units are used, these polarized receptacles are not required.
- f) ~~X-ray-Film-illuminator~~-Units-At least two units X-ray film illuminators shall be installed in each Operating, Delivery and Recovery Room, Emergency Treatment Area(s), and in the X-ray Viewing Room of the Radiology Department. More than two units shall be installed as needed.
- g) ~~Nurses' Calling System~~.
- 1) ~~General~~-Each patient room shall be served by at least one calling station and each bed shall be provided with a call button. Two call buttons serving adjacent beds may be served by one calling station. Calls shall register with nursing staff and shall actuate a visible signal in the corridor at the patients' door. In multicorridor nursing units, additional visible signals shall be installed at corridor intersections. In rooms containing two or more calling stations, indicating lights shall be provided at each station. Nurses' Calling Systems which provide two-way voice communications shall be equipped with an indicating light at each calling station which will remain lighted as long as the voice circuit is operating.
 - 2) Nurse call duty stations shall be installed in the clean work room, soiled work room, medicine preparation room, nourishment station and nurses' lounge of the unit.
 - 3) ~~Patients'-Emergency~~-A Nurses' Call Emergency Station shall be provided for patients' use at each patient's toilet, bath, sitz bath, and shower. These stations are to be the pull-cord type with the cord reaching within 6 inches of the floor. The cords are to be located within reach of a patient.
 - 4) ~~Critical-Care-Areas~~-In areas such as intensive care, cardiac care, recovery and similar patient care areas where patients are under constant surveillance, the Nurses' Calling System may be limited to a bedside station that will actuate a signal that can be readily seen by the other nurses.
 - 5) ~~Nurses'-Emergency~~-A communications system which may be used by nurses to summon assistance shall be provided in each Operating, Delivery, Special Procedure, Birthing, Recovery, Emergency Treatment, Critical Care Rooms, in Nurseries, and in Nursing Units for Psychiatric Patients.
- h) ~~Communication System~~
- 1) ~~Public-Address~~-A loud speaker type sound system shall be provided throughout the facility to allow for announcements, such as paging of personnel and other necessary audio functions.
 - 2) ~~Speakers~~ shall be located in all departments to allow hospital personnel to adequately hear all audio outputs from the system.
 - 3) The system shall be used as the communication link for emergency

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

2) Existing building construction shall be in accordance with the requirements of section 10-3.3.6 of NFPA 101 except as amended by the following:

- A) Multi-story buildings shall be of three-hour fire-resistive construction as established in NFPA 220 (Standard Types of Building Construction).
- B) Buildings of one story in height only may be of Protected Noncombustible Construction as established in NFPA 220 (Standard Types of Building Construction) including a minimum hourly rating of one-hour for roofs and floors and two hours for bearing walls and columns.
- C) Existing building construction shall be in accordance with the following requirements:
 - 1) Multi-story buildings shall be of Type I (332) as established in NFPA Standard No. 220 (1992), "Standard Types of Building Construction."
 - 2) Buildings of only one story in height may be of Type II (222) construction as established in NFPA Standard No. 220 (1992), "Standard Types of Building Construction."

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 250.2660 Mechanical

- a) Any retrofit of existing heating, ventilating air conditioning systems for energy conservation purposes may meet any or all of the requirements of Section 250.2480 (Mechanical) in lieu of the parallel requirements of this Section.
- b) Steam and Hot Water Systems
Boiler feed pumps, return pumps and circulating pumps shall be furnished in duplicate, each of which has a capacity to carry the full load. Blow off valves, relief valves, nonreturn valves, injectors and fittings shall be provided to meet the requirements of the city and state codes and recommendations of the A.S.M.E.
- c) Air Conditioning, Heating and Ventilating Systems
1) Temperatures and Humidities: The systems should be capable of providing the following temperatures and humidities in the following areas:

Area Designation	Temperature		Relative Humidity %	
	° F	° C	Min.	Max.
Operating Room	70-76*	21-24*	50	60
Delivery Room	70-76*	21-24*	50	60
Recovery Room	75	24	50	60
Intensive Care Units	75-80*	24-27*	30	60

announcements, i.e., code blue, impending disasters and others. The audio line at the last speaker in the audio circuits shall be electrically supervised against opens and grounds. The supervision shall be indicated at a building location which is staffed 24 hours a day.

Emergency Electric Service.
1) Generator: To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to the life safety branch, the critical branch, and the equipment branch for lighting and power as established in NFPA-70.

2) Sources: The source of this emergency electric service shall be as follows:
A) An emergency generating set when the normal service is supplied by one or more central station transmission lines.
B) An emergency generating set or a central station transmission line when the normal electric supply is generated on the premises.

3) Emergency Generating Set
A) The required emergency generating set, including the prime mover and generator, shall be located on the premises. Where stored fuel is required for the emergency generator operations, the storage capacity shall be sufficient for not less than 24-hours continuous operation.

B) The emergency generator set may be used during periods of high energy demands on local utilities. In the event of an outage of the normal power source, the normal loads shall immediately be removed from the emergency generating set, and the life safety branch, the critical branch, and the equipment branch shall be connected to the generator.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section 250.2620 Codes and Standards

a) The 76th edition of the National Fire Protection Association (NFPA) Standard No. 101 (1994), "Life Safety Code" for existing structures and all appropriate references under Appendix "B" applies to and is part of these standards.

b) The National Fire Protection Association (NFPA) Standard No. 101-M (1992), "Alternative Approaches to Life Safety," applies to and is part of these standards.

Exceptions:
1) ---Corridor---width---requirements---are---covered---by---Section 250-2640(a)(2)-of-these-standards

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

of clean areas unless approved otherwise by the Department.
 ¶7G) All filter efficiencies shall be average atmospheric dust spot efficiencies tested in accordance with ASHRAE Standard 52-60- Handbook of Fundamentals (1981).

¶7H) Filter frames shall be durable and shall provide an airtight fit with the enclosing ductwork. All joints between filter segments and enclosing duct work shall be gasketed or sealed to provide a positive seal against air leakage.

¶7I) A manometer shall be installed across each filter bed serving central air systems.

¶7J) Ducts which penetrate construction intended for x-ray or other ray protection shall maintain the effectiveness of the protection.

¶7K) Fire and smoke dampers shall be constructed, located and installed in accordance with the requirements of NFPA Standard No. 90A & "Installation of Air Conditioning and Ventilating Systems". Exception: all systems, regardless of size, which serve more than one smoke or fire zone, shall be equipped with smoke detectors to shut down fans automatically as specified in Paragraph 4-3.1 of that Standard.

¶7L) Laboratory hoods shall meet the following general requirements:
 i) the exhaust system shall be separate from the building exhaust system, and

ii) the exhaust duct system shall be of noncombustible corrosion-resistant material consistent with the usage of the hood.

¶7M) Laboratory hoods shall meet the following special requirements:

i) Each hood for the processing of infectious or radioactive materials shall have an adequate face velocity, shall be connected to an independent exhaust system, shall be provided with filters with 99.97 percent efficiency (based on the DOP, dioctylphthalate, test method as described in DOP Penetration Test Method MIL STD No. 282 (1976): Filter Units, Protective Clothing, Gas-Mask Components and Related Products: Performance Test Methods) in the exhaust system, and shall be designed and equipped to permit the safe removal, disposal and replacement of contaminated filters.

ii) Duct systems in which radioactive and strong oxidizing agents are present shall be constructed of corrosion resistant material consistent with usage for a minimum distance 10 feet from the hood and shall be equipped with washdown facilities.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Nursing Units	75	24	30	60
Special Care Nursery Units	75-80*	24-27*	30	60
Other patient areas	75	24		
*Variable range				

2) Ventilation Systems
 A) Air handling systems shall conform to NFPA Standard No. 90A (1989), "Installation of Air Conditioning and Ventilating Systems," NFPA-90A-1975.

B) Outdoor intakes should be located as far as practical but not less than 15 feet from exhaust outlets of ventilation systems, combustion equipment stacks, medical-surgical vacuum systems, plumbing vent stacks or from areas which may collect vehicular exhaust and other noxious fumes.

C) All ventilation air supplied to operating rooms, delivery rooms and nurseries should be delivered at or near the ceiling of the area served, and all exhaust air from the area should be removed near the floor level. At least two exhaust outlets should be used in all operating and delivery rooms.

D) All central ventilation or air conditioning systems shall be equipped with filters having efficiencies no less than those specified in the following:

FILTER EFFICIENCIES FOR CENTRAL VENTILATION AND AIR CONDITIONING SYSTEMS IN GENERAL HOSPITALS

Area Designation	Filter Efficiencies (percent)
Sensitive Areas*	50
Patient Care, Treatment, Diagnostic and Related Areas	50
Food Preparation Areas and Laundries	50
Administrative, Bulk Storage and Soiled Holding Areas	20
*Includes operating rooms, delivery rooms, nurseries, recovery rooms, and intensive care units.	

E)†† The filter shall be located upstream of the air conditioning equipment. If a prefilter is installed, it shall be located upstream of the conditioning equipment. The main filter may be located before or after the equipment.

F)††† Access to filters for changing shall be provided outside

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- M+N)** The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall be in conformance with ~~NFPA 96-1973--(Vapor--Removal--Cooking Equipment--~~ Standard No. 96 (1991), "Vapor Removal Cooking Equipment." That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by listed grease extractors.
- M+Q)** Other exhaust hoods in food preparation centers shall have an adequate exhaust rate.
- O+P)** Cleanout openings shall be provided to allow proper cleaning of the duct system serving kitchen and food preparation areas.
- P+Q)** The ventilation system for anesthesia storage rooms shall conform to the requirements of ~~NFPA---56---(Anesthesia Anesthetics--~~ NFPA Standard No. 99 (1993), "Health Care Facilities Code," including the gravity option system.
- Q+R)** Boiler rooms shall be provided with sufficient outdoor air to maintain proper combustion rates for equipment.
- R+S)** Rooms containing heat-producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, sterilizer rooms, shall be ventilated.
- S+T)** For general pressure relationships and ventilation of certain hospital areas, see Section 250, Table F.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Regulations under Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3) Section Numbers: Proposed Action:
- | | |
|---------|-------------|
| 130.100 | Amendment |
| 130.135 | New Section |
| 130.200 | Amendment |
| 130.441 | Amendment |
| 130.538 | Amendment |
| 130.810 | Amendment |
| 130.811 | Repealed |
| 130.820 | Amendment |
| 130.840 | Amendment |
- 4) Statutory Authority: 815 ILCS 5/11(A)
- 5) A Complete Description of the Subjects and Issues Involved:
- Section 130.100 - Amended to reflect the current address of the Chicago office of the Securities Department and the current zip codes of the Springfield and Chicago offices.
- Section 130.135 - Added to recognize the Securities Registration Depository (SRD) for the registration and renewal of investment fund shares and unit investment trusts.
- Section 130.200 - Amended to provide the current citation for the Illinois Securities Law of 1953, clarify the definition of "controlling person" as used in Section 4(F) of the Act, and add the definition of "SRD" (Securities Registration Depository).
- Section 130.441 - Amended to eliminate the requirement that a person be in existence for at least nine months and simplify the language.
- Section 130.538 - Amended to simplify and clarify the language.
- Section 130.810 - Amended to eliminate the issuance of a certificate of registration and the posting requirement.
- Section 130.811 - Repealed as Section 130.805 makes the exemption self-executing.
- Section 130.820 - Amended to eliminate the issuance of a certificate of registration and the posting requirement.
- Section 130.840 - Amended to eliminate the issuance of a certificate of

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

NOTICE OF PROPOSED AMENDMENT(S)

registration and the posting requirement.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: These proposed amendments to or repeal of rulemaking do not create or expand a state mandate as defined in the State Mandates Act.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All comments on this proposed rulemaking must be submitted in writing for a period of 45 days following publication of this notice and directed to:

Michael A. Chizmar, Assistant Director
Illinois Securities Department
900 South Spring Street
Springfield, IL 62704-2799
(217) 785-4941

12) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments do not have an effect on small business.

The full text of the proposed amendment begins on the next page:

PART 130
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

Section	Business Hours of the Securities Department
130.100	Computation of Time
130.101	Payment of Fees
130.110	Place of Filing
130.120	Date of Filing
130.130	Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
130.135	Requirements as to Proper Form
130.140	Additional Information
130.141	Additional Exhibits
130.142	Information Unknown or Not Reasonably Available
130.143	Requirements as to Paper, Printing, and Language
130.144	Number of Copies--Signatures
130.145	Provisions for Granting of Variance from Rules
130.190	

SUBPART B: DEFINITIONS

Section	Definitions of Terms Used in the Rules
133.200	Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.201	Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.202	Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.205	Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 of the Act
130.210	Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
130.215	Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions
130.216	Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
130.220	Exclusion of Certain Persons from the Definition of Investment
130.221	

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- 130.225 Adviser in Section 2.11 of the Act
Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers
- 130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
- 130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act
- 130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act
- 130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
- 130.242 Definition of the Term "Financial Institution" under Sections 4C and 4D of the Act
- 130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4(F)(1) of the Act
- 130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
- 130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4(G) of the Act and "General Advertising or General Solicitation" Under Sections 4(G), 4(H), 4(M) and 4(R) of the Act
- 130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act
- 130.248 Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act
- 130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act
- 130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act
- 130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act
- 130.280 Definition of the Term "Branch Office", as Used in Section 8 of the Act
- 130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
- 130.285 Definition, For Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
- 130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities Involving an Oil, Gas or Other Mineral Lease, Right or Royalty

SUBPART C: EXEMPT SECURITIES

Section 130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act

SUBPART D: EXEMPT TRANSACTIONS

Section 130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act

130.440 Procedures for Filing Reports of Sale under Section 4(G) of the Act

130.441 Calculation of Number of Persons Under Section 4(G) or 4(M) of the Act

130.442 Report of Sale of Securities pursuant to Section 4(G) of the Act

130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act

130.491 Report of Sale of Securities pursuant to Section 4(P) of the Act

SUBPART E: REGISTRATION OF SECURITIES

Section 130.501 Title of Securities

130.502 Financial Statement Requirements

130.503 Disclaimer of Control

130.505 Formal Requirements as to Consents

130.506 Consents Required in Special Cases

130.507 Application to Dispense with Consent

130.508 Consent to Use of Material Incorporated by Reference

130.510 Procedures for Registration of Securities by Coordination under Section 5(A) of the Act

130.520 Procedures for Registration of Securities by Qualification under Section 5(E) of the Act

130.530 Renewal of Registration of Securities Under Section 5(E) of the Act

130.531 Computation of Fees

130.532 Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act

130.533 Formal Requirements for Amendments Under Section 5 of the Act

130.534 Powers to Amend or Withdraw Registration Statement

130.535 Signatures of Amendments

130.536 Delaying Amendments

130.538 Withdrawal of Registration Statement Filed Under the Federal 1933 Act or Amendment

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

130.540 Procedure with Respect to Abandoned Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments

130.550 Additional Fees Under Section 5 of the Act

130.570 Legibility of Prospectuses

130.571 Presentation of Information in Prospectuses

130.572 Summaries or Outlines of Documents

130.573 Preparation of Application for Registration

130.574 Incorporation of Certain Information by Reference

130.575 Form of and Limitation Upon Incorporation by Reference

130.576 Statement Required in Prospectuses

130.577 Prospectuses Supplementing Preliminary Material Supplied Previously

130.578 Application of Amendments to this Part Governing Contents of Prospectuses

130.581 Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act

130.582 Contents of Prospectus When Two or More Registrations Are in Effect Under Section 5.B of the Act

130.590 Identifying Statements

130.591 Requirements as to Appraisals

130.592 Omission of Substantially Identical Documents

130.593 Incorporation of Exhibits by Reference

SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section

130.600 Preamble

130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6(A) of the Act

130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6(F) of the Act

130.650 Additional Fees Under Section 6 of the Act

SUBPART G: INVESTMENT FUND SHARES

Section

130.700 Preamble

130.701 Title of Investment Fund Shares Registered Under Sections 5 or 7 of the Act

130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7(A) of the Act

130.715 Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act

130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act

130.750 Additional Fees Under Section 7 of the Act

130.771 b. Which "Work or Tend to Work a Fraud or Deceit", in Connection

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

with Offers, Sales or Dispositions of Investment Fund Shares

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section

130.805 Exemptions From Registration as an Investment Adviser Under Section 8(A) of the Act

130.810 Procedures for Registration as a Dealer Under Section 8(B) of the Act

130.811 Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)

130.820 Procedure for Renewal and Withdrawal from Registration as a Dealer

130.821 Reporting of Dealer Branch Office Location(s) and Required Fees

130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8(B)(9)(a) of the Act Prior to Registration as a Dealer

130.823 Procedure for Requesting Waiver of Dealer, Salesperson or Investment Adviser Examination Requirements

130.824 Financial Statements to be Filed by a Registered Dealer

130.825 Records Required of Dealers

130.826 Registered Dealer Net Capital Requirement

130.827 Confirmations

130.828 Notice of Materially Adverse Financial Condition Required to Be Filed With the Securities Department By a Registered Dealer

130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act

130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8(C)(7) of the Act for Registration as a Salesperson

130.840 Procedures for Registration as an Investment Adviser Under Section 8(D) of the Act

130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees

130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8(D)(9) of the Act Prior to Registration as an Investment Adviser

130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements

130.845 Records Required of Investment Advisers

130.846 Written Disclosure Statements of a Registered Investment Adviser

130.847 Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients

130.850 Account Transactions

130.851 Commission, Profit or Other Compensation

130.852 Compensation

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

130.853 Account Transactions
 130.854 Use of the Term "Investment Counsel"
 130.860 Additional Fees Under Section 8 of the Act
 130.872 Procedure with Respect to Abandoned Dealer Applications
 130.873 Procedure with Respect to Abandoned Investment Adviser Applications

SUBPART J: SERVICE OF PROCESS

Section
 130.1001 Service of Process upon the Secretary of State

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section
 130.1100 Preamble
 130.1101 Qualifications and Duties of the Hearing Officer
 130.1102 Notice of Hearing
 130.1103 Institution of a Contested Case by the Securities Department
 130.1104 Requirement to File an Answer
 130.1105 Amendment or Withdrawal of the Notice of Hearing
 130.1106 Representation
 130.1107 Special Appearance
 130.1108 Substitution of Parties
 130.1109 Failure to Appear
 130.1110 Motions
 130.1111 Requirements Relating to Continuances
 130.1112 Rules of Evidence
 130.1113 Form of Papers
 130.1114 Bill of Particulars
 130.1115 Discovery
 130.1116 Examination of Witnesses
 130.1117 Subpoenas
 130.1118 Pre-Hearing Conferences
 130.1119 Record of a Pre-Hearing Conference
 130.1120 Hearings
 130.1121 Record of Proceedings
 130.1122 Record of Hearing
 130.1123 Orders
 130.1124 Burden of Proof
 130.1125 Stipulations
 130.1126 Open Hearings
 130.1127 Corrections to the Transcript
 130.1128 Imposition of Fines
 130.1129 Application for Hearing to Present Newly Discovered Evidence

SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

130.1520 Request for Non-Binding Statements
 Section
 130.1661 Investors Syndicate of America, Inc.
 130.1662 State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

Section
 130.1701 Inspection of Applications
 130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records
 130.1703 Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5/11(A)].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: RULES OF GENERAL APPLICATION

Section 130.100 Business Hours of the Securities Department

- a) The principal office of the Securities Department at 900 S. Spring Street, Springfield, Illinois 62704-2799, is open each day, except Saturdays, Sundays and holidays, from 8:00 a.m. to 4:30 p.m. Central Standard Time or Central Daylight Savings Time, whichever is currently in effect in Springfield.
- b) An office of the Securities Department at 17 North State Street, Suite _____,

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

NOTICE OF PROPOSED AMENDMENT(S)

"CFTC" means the Federal Commodity Futures Trading Commission.

"Charter" includes articles of incorporation, a declaration of trust, articles of association or partnership, or any similar instrument, as amended, affecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

"Controlling Person" as used in Section 4(F) of the Act shall not include any sponsor of a unit investment trust after the completion of the initial distribution.

"Correspondent" means the person authorized in the application for registration or exemption to receive notices and communications from the Secretary.

"CRD" means the computer registration system for the registration of dealers and salespersons known as the "Central Registration Depository" operated by the NASD.

"Customer" as used in Section 130.270 of this Part means any person for whom the futures commission merchant effects or intends to effect transactions in futures, options on futures, or any other instruments subject to CFTC jurisdiction.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Employee" does not include a director, trustee, or officer.

"Federal 1933 Act" means the Act of the Congress of the United States known as the Securities Act of 1933 (15 U.S.C. Secs. 77a-77aa), as in effect on July 1, 1989.

"Federal 1934 Act" means the Act of Congress of the United States known as the "Securities Exchange Act of 1934" (15 U.S.C. Secs. 78a-78aa), as in effect on July 1, 1989.

"Federal 1936 Act" means the Act of Congress of the United States known as the Commodity Exchange Act of 1936 (7 U.S.C. Sec. 1 et seq.), as in effect on July 1, 1989.

"Federal 1940 Investment Company Act" means the Act of Congress of the United States known as the Investment Company Act of 1940, (15 U.S.C. Secs. 80a-1-80a-52), as in effect on July 1, 1989.

"Federal 1940 Investment Advisers Act" means the Act of Congress of

1100 188 West Randolph Street, Room 4267 Chicago, Illinois 60602-2903
 66601 is open each day, except Saturdays, Sundays and holidays, from 8:30 a.m. to 5:00 p.m. Central Standard time or Central Daylight Savings Time, whichever is currently in effect in Chicago.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 130.135 Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD

For the purpose of this Section and to implement a supplemental registration procedure known as the SRD, a computer based registration system for the registration and renewal of registration of securities investment fund shares and unit investment trusts registered under the Federal 1933 Act and the Federal 1940 Investment Company Act, the term "with the Secretary of State" as used in Sections 5(A), 5(B), 5(E), 7(A), 7(B) and 7(C) of the Act or this Part shall include a filing made with the SRD.

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART B: DEFINITIONS

Section 130.200 Definitions of Terms Used in the Rules

a) As used in this Part, unless the context otherwise requires, the term:

"Act" means the Illinois Securities Law of 1953, as amended, [815 ILCS 5] [111 Rev. Stat. 1967, ch. 121, 1/27 par. 1-137, et seq.] and this Part.

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Amount", when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

"Applicant" means the person making application for registration or exemption.

"Certified", when used in regard to financial statements, means examined and reported upon with an opinion expressed by an independent public or certified public accountant.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

the United States known as the Investment Advisers Act of 1940 (15 U.S.C. Secs. 80b-1-80b-21), as in effect on July 1, 1989.

"Federal Banking Act of 1933" means the Federal Banking Act of 1933 (12 U.S.C. 227), and the Rules and Regulations thereunder as in effect on July 1, 1989.

"Federal Public Utility Holding Company Act of 1935" means the Public Utility Holding Company Act of 1935 (15 U.S.C. subsection 79-79z-6), and the Rules and Regulations thereunder as in effect on July 1, 1989.

"Fiscal Year" means the annual accounting period or, if no accounting period has been adopted, the calendar year ending on December 31.

"Futures" and "Futures Contracts" as used in Section 130.270 of this Part mean contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market designated by the CFTC or traded on or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Futures Commission Merchants" as used in Section 130.270 of this Part means individuals, associations, partnerships, corporations and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee or secure any trades or contracts that result or may result therefrom.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary only after opportunity for a hearing.

"Hearing Officer" means the designee of the Secretary or the Securities Director who, pursuant to Section 11 of the Act, is designated in the Notice of Hearing to preside at a hearing conducted by the Securities Department or any person so designated as a substitute hearing officer.

"Identifying Statement" means a written or oral communication or advertisement meeting the requirements of Section 130.210(b)(1) of this Part.

"Insolvency" or "insolvent" means the inability to pay debts and obligations when due or when current liabilities exceed current assets. Any party regulated by this Part claiming insolvency shall file with the Securities Department a balance sheet prepared as of a

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

current date and executed and verified by the chief financial officer of the issuer.

"Internal Revenue Code" means the Internal Revenue Code of 1986 (26 U.S.C. 1-9602), and the Rules and Regulations thereunder, as in effect on July 1, 1989.

"Investors Protection Act of 1970" means the Investor Protection Act of 1970 (15 U.S.C. Sec. 78aaa et seq.), as in effect on July 1, 1989.

"Majority-Owned Subsidiary" means a subsidiary more than 50% of whose outstanding securities, which represent the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable investor would consider it important in deciding upon a course of action to be taken, including, but without limitation, purchasing, selling or holding the security or securities involved, or accepting or rejecting an offer or proposal made with regard to any security or securities.

"Midwest Stock Exchange, Inc." means the Chicago Stock Exchange, Inc.

"NASD" means the self-regulatory organization registered under the Federal 1934 Act, as defined in this Section, known as the "National Association of Securities Dealers, Inc."

"Office", unless otherwise clarified, refers to the Office of the Secretary of State, and not to any particular address or location.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Options on Futures" as used in Section 130.270 of this Part means puts or calls on a futures contract traded on or subject to the rules of a contract market designated by the CFTC or traded or subject to the rules of any board of trade located outside the United States, its territories or possessions.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

"Pacific Coast Stock Exchange, Inc." means the Pacific Stock Exchange, Inc.

"Parent" of a specified person means an affiliate controlling such person directly or indirectly through one or more intermediaries.

"Party" means any person named as a petitioner or a respondent in a hearing conducted by the Securities Department.

"Person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust or any unincorporated organization except that as used in this Section, the word "trust" includes only a trust where the interest or the interests of the beneficiary or beneficiaries are a security.

"Predecessor" means a person, the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

"Preliminary Prospectus" means a document meeting the requirements of Section 130.210(b)(2) of this Part.

"Principal Underwriter" means an underwriter in privity of contract with the issuer of the securities as to which such person is an underwriter.

"Promoter" means any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer; or any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both, 10% or more of any class of securities of the issuer or 10% or more of the proceeds from the sale of any class of securities of the issuer. However, a person who receives the securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this subsection if the person does not otherwise take part in founding and organizing the enterprise.

"Prospectus" means any prospectus, notice, circular, advertisement, letter or communication, written or by radio, television or other communications medium, which offers any security for sale or confirms the sale of any security; except that a communication sent or given after the effective date of the registration of the security (other than a prospectus permitted under Section 10(b) of the Federal 1933 Act, as defined in this Section) shall not be deemed a prospectus if

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

it is proved that, prior to or at the same time as the communication, a written prospectus, meeting the requirements of Section 10(a) of the Federal 1933 Act, as defined in this Section at the time of the communication, was sent or given to the person to whom the communication was made, and a notice, circular, advertisement, letter or communication in respect to a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of Section 5 of the Act may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Secretary by the Sections in this Part deems necessary or appropriate in the public interest and for the protection of investors and, subject to such terms and conditions as may be described therein, may permit.

"Regulated Account" as used in Section 130.270 of this Part means a customer segregation account subject to 17 CFR Part I Sec. 1.20 as in effect on July 1, 1989 (no subsequent amendments or editions); provided, however, that, where such regulations do not permit to be maintained in such an account or require to be maintained in a separate regulated account funds or securities in proprietary accounts or funds or securities used as margin for or excess funds related to futures contracts, options on futures or any other instruments subject to CFTC jurisdiction that trade outside the United States, its territories or possessions, the term "regulated account" means such separate regulated account or any other account subject to 17 CFR Part 1 Sec. 1.31 et seq. as in effect on July 1, 1989 (no subsequent amendments or editions).

"Registrant" means the issuer of the securities which are the subject of the application for registration.

"Rules" refers to all rules adopted by the Secretary pursuant to the Act.

"Share" means a share of stock in a corporation or unit of interest in an unincorporated person.

"SEC" means the United States Securities and Exchange Commission.

"Secretary of State" "or Secretary" means the Secretary of State of Illinois.

"Section" refers to a section of this Part unless a reference to the Act is specifically made.

"Securities Department" means the Securities Department of the Office of the Secretary of State.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

"Significant Subsidiary" means a subsidiary where the assets of the subsidiary, or the investments in and advances to the subsidiary by its parent and the parent's other subsidiaries, if any, exceed 15% of the assets of the parent and its subsidiaries on a consolidated basis; or the sales and operating revenues of the subsidiary exceed 15% of the sales and operating revenues of its parent and the parent's subsidiaries on a consolidated basis.

In determining whether a subsidiary is a significant subsidiary, such a subsidiary shall be considered in the aggregate with any subsidiaries of which it is the parent.

"Segregated Customer Funds" as used in Section 130.270 of this Part means funds subject to CFTC segregation requirements.

"SRD" means the single automated computer registration system for the registration and renewal of securities, investment fund shares and unit investment trusts registered under the Federal 1933 Act and Federal 1940 Investment Company Act known as the Securities Registration Depository.

"Subsidiary" of a specified person is an affiliate controlled by such person directly or indirectly through one or more intermediaries. (See also "Majority-Owned Subsidiary", "Significant Subsidiary" and "Totally-Held Subsidiary".)

"Succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have the same meaning as "succession".

"Totally-Held Subsidiary" means a subsidiary substantially all of whose outstanding securities are owned by its parent and/or the parent's other totally-held subsidiaries, and which is not indebted to any person other than its parent and/or the parent's other totally-held subsidiaries in an amount which is material in relation to the particular subsidiary, excepting indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not.

"Unit Investment Trust" means an investment company which is organized under a trust indenture, agency or custodianship contract or similar instrument, does not have a board of directors, and issues only redeemable securities, each of which represents an undivided interest in a unit of specified securities. The term "unit investment trust" does not include a voting trust.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

"Unsolicited Transaction" as used in Section 130.270 of this Part means a transaction that is not effected in a discretionary account or recommended to a customer by the futures commission merchant, an associated person of a futures commission merchant, a business affiliate that is controlled by, controlling, or under common control with the futures commission merchant, or an introducing broker that is guaranteed by the futures commission merchant.

b) A Section in this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 130.441 Calculation of Number of Persons Under Section 4(G) or 4(M) of the Act

a) For purposes of Section 4(G) and 4(M) of the Act, any sale or issuance of securities to, or subscription by, two (2) or more persons as joint tenants with right of survivorship shall be deemed to be a sale or issuance to one purchaser or subscriber, as the case may be.

b) The sale of securities under Section 4(G) or subscription to purchase securities or issuance of securities under Section 4(M) of the Act to any relative, spouse or relative of the spouse of a purchaser or subscriber who has the same principal residence or domicile as the purchaser or subscriber shall not be deemed to be a sale to an additional purchaser or subscriber.

c) Each entity shall be counted as one purchaser or subscriber. If, however, an entity has been organized for the specific purpose of acquiring the securities offered, then each beneficial owner of equity securities or equity interests in the entity (other than a person as to whom the offer and sale of the securities would have been an exempt transaction under another subsection of Section 4 of the Act, had such securities been offered and sold to such person directly) shall be counted as a separate purchaser or subscriber for the purposes of Section 4(G) or 4(M) of the Act except to the extent provided in (a) and (b) of this Section. c) Each entity shall be counted as one purchaser or subscriber, unless the entity has been in existence for at least nine months and has conducted the business for which the entity was formed other than the business of acquiring securities in which event each beneficial owner of equity securities or equity interests in the entity shall be counted as a separate purchaser or subscriber for purposes of Section 4(G) or 4(M) of the Act.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

Section 130.538 Withdrawal of Registration Statement Filed Under the Federal 1933 Act or Amendment

An application for registration or an amendment or exhibit may, prior to registration, be withdrawn by written request with the consent of the Secretary of State. The written request for withdrawal shall state the reasons for the withdrawal. Any previously paid fees related to the application shall not be refunded. All papers comprising the application for registration or amendment, except the application form, most current form of the Federal Registration Statement or prospectus and correspondence, shall be destroyed. The application form shall be plainly marked with the date of the consent to withdraw and the following statement: "Withdrawn upon the request of the applicant with the consent of the Secretary of State".

~~Any application for registration or any amendment or exhibit thereto may be withdrawn prior to registration upon application if the Secretary of State finds the withdrawal consistent with the public interest and the protection of investors consents thereto. The application for the consent shall be signed and shall state fully the grounds upon which made. The examination fee paid upon the filing of the application will not be returned. All papers comprising the application for registration or amendment with the exception of the application form and correspondence will be removed from the files of the Secretary of State and destroyed unless the applicant has requested return of the papers not required to be retained by this part. The application form will be plainly marked with the date of the giving of the consent and in the following manner: "Withdrawn upon the request of the applicant, the Secretary of State consenting thereto."~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section 130.810 Procedures for Registration as a Dealer Under Section 8(B) of the Act

No person shall be registered as a dealer unless satisfactory evidence shall have been furnished to the Secretary of the trustworthiness of the applicant and the applicant's officers, directors, partners, principal members or trustees. No person shall be registered as a dealer until that person shall have given evidence of competency to engage in the business of dealing in, buying or selling securities. Every person or officer who sells securities in this State shall be deemed to be a salesperson and must be registered as such in accordance with Section 8(C) of the Act.

- a) Each applicant for registration as a dealer shall deliver to the NASD Form BD as provided in Appendix C or, if already on file with the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

NASD, the requisite amendment which indicates that an application is on file in this State and pay to the NASD the registration fee specified in Section 130.110 of this Part.

- b) Each applicant for registration as a dealer shall file with the Securities Department a complete and current application and pay to the Securities Department the branch office fee, if any, specified in Section 130.110 of this Part. The application shall consist of the following:

- 1) Form BD together with Schedule E thereto listing each branch office in this State, if any;
- 2) A Consent to Service of Process for the applicant on Uniform Form U-2, or Illinois Form 10 or the Consent set forth in Form BD, if any, unless the applicant is a corporation organized or authorized to transact business under the laws of this State;
- 3) An unaudited balance sheet for the applicant verified by the chief financial officer of the dealer or other person who holds a similar position as of a date not more than sixty (60) days prior to the date that the application is deemed to be filed with the Securities Department and applicable computations which demonstrate compliance with Section 130.826 of this Part as of the date of the balance sheet, together with the most recent statement of financial condition, income statement or other financial statement of the dealer certified by an independent certified public accountant, if any;
- 4) One copy of the Illinois Form designating each Illinois principal of the dealer;
- 5) One copy of the Illinois Form designating the dealer's accountant and the dealer's annual audit date;
- 6) One copy of the Illinois Form containing an attestation that the dealer did not engage in the sale of securities in this State during the last five (5) years immediately preceding the filing of the application, or setting forth a claim of exemption for each sale of securities in the State;
- 7) One copy of the Illinois Form setting forth the dealer's minimum net capital requirement;
- 8) One copy of each subordinated loan agreement on the form as provided in Appendix D if any, between the dealer and any officer, director, partner or manager of the dealer or other person; which loan agreement, if any, shall be in the form required by the NASD;
- 9) One copy of the most current form of applicant's Articles of Incorporation and By-laws, or Partnership Agreement, as applicable, or such other document, if any, by which an applicant that is not a natural person was found;
- 10) If the applicant will not have its principal office in this State and intends to keep the records required under Section 130.825 of this Part outside of this State, one copy of the Illinois Form requesting a waiver of the requirement to maintain its records in

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

this State;

- 11) Page (2) of Form U-4 for each officer and director of the dealer, except that for applicants that are members of the NASD, such page (2) need only be submitted for those officers and directors for whom a Form U-4 has not been filed with the Securities Department on the behalf of the applicant through the CRD; and
- 12) Any other information or document that the Securities Department may require to determine the dealer's business repute or to clarify statements made in the application for registration.
 - c) Each person applying for registration as a dealer shall give evidence of competency to engage in the business of dealing in, buying or selling securities by passing one of the examinations listed in Section 130.822 of this Part by a score of 70% correct, to demonstrate to the Secretary that the principal or principals have sufficient knowledge of the securities business and the laws relating thereto. In the case of a person, other than a natural person, filing an application for registration as a dealer, all of the principals who, on behalf of the applicant, participate in or are responsible for the sale of securities in this State are required to take such an examination on behalf of the applicant. Each registered dealer shall amend the list not later than ten (10) business days after any change of any principal or principals.
 - d) At or prior to registration of the dealer, there must be on file with the Securities Department whether through the CRD or otherwise, the following:
 - 1) Proof of passing one or more of the requisite examinations listed in Section 130.822 of this Part for each principal required to take such examination pursuant to subsection (c) of this Section, unless the Secretary shall have issued an Order waiving such examination requirements pursuant to Section 130.823 of this Part and Section 8(B)(9) of the Act;
 - 2) A Form U-4 for each officer and director or each other person to register as a salesperson as provided in this Section, and a page (2) of Form U-4 for each other officer or director of the applicant;
 - 3) Any and all amendments required to the application and documents filed to subsection (a) of this Section, whether as the result of a change in the information provided since the date of filing, or otherwise; and
 - 4) In the case of a dealer which is not a member of the NASD, an application for registration of a salesperson on Form U-4. The Securities Department shall grant concurrent registration of a salesperson pursuant to such application upon the registration of the dealer unless such person is ineligible for registration under Section 8(E)(1) of the Act. At least one salesperson must be registered on behalf of a dealer which is an NASD member by the Securities Department within ten (10) days after the grant of

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

registration. Notwithstanding the foregoing, any dealer which effects trades solely as a clearing dealer on behalf of other dealers need not register any salesperson.

- e) Upon the grant of registration of a dealer, the Securities Department shall send to the dealer a certificate as evidence of such registration. The certificate shall be displayed in the dealer's principal office in this State, and a facsimile thereof shall be displayed in each other office in this State, in each case, in a location conspicuous to the public, if the dealer has no office in this State, the certificate shall be so displayed at the dealer's principal place of business.
 - e) The application and documents on file with the Securities Department with respect to the dealer shall be amended from time to time whenever a change occurs which renders the information contained therein not accurate in any material respect. Such amendment shall be filed with the NASD, if the dealer is a member of the NASD or with the Securities Department if the dealer is not a member of the NASD, within ten (10) business days after the occurrence of the change.
 - f) For the limited purpose of this Section and solely to implement a supplemental procedure known as the CRD, a computer based registration system, for the registration and re-registration of dealers and salespersons, the term "in the Office of the Secretary of State", as used in Sections 8(B) and 8(C) of the Act, and "with the Secretary of State", as used in Section 8(H) of the Act, and "with the Securities Department", as used in Section 130.820 of this Part, shall include a filing made with the NASD utilizing the single automated system referred to hereinabove as the CRD.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 130.811 Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)

- a) The Secretary of State, or a designated representative, shall issue an appropriate order upon the application for exemption from the definition of "investment adviser" under Section 2.11(6) of the Act of any person including but not limited to those persons rendering investment advice to those entities enumerated in Section 4G of the Act or concerning those securities described in Section 3A of the Act provided that the applicant shall petition the Secretary of State in writing and submit the following information:
 - 1) the name and address of the person seeking the exemption;
 - 2) if other than a natural person, its legal status and date of formation and a statement indicating its authorization to do business in this State;
 - 3) a statement that the person will not generally advertise or generally solicit with respect to the services in this State.

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

NOTICE OF PROPOSED AMENDMENT(S)

- 4) ~~a statement detailing to whom the services will be offered in this State~~
- 5) ~~a statement detailing the type of services to be offered in this State~~
- 6) ~~a schedule of fees to be charged for services rendered in this State~~
- 7) ~~any other information deemed necessary by the Secretary of State~~
- b) ~~the Secretary of State or a designated representative may grant the petition and enter an order of exemption or deny the petition and set the matter for administrative hearing within 30 days of such denial~~

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 130.820 Procedure for Renewal and Withdrawal from Registration as a Dealer

- a) If a registered dealer elects to withdraw its registration in this State, it shall file a Form BDW with the NASD, if the dealer is member of the NASD or with the Securities Department if the dealer is not a member of the NASD indicating such intent.
- b) If a registered dealer elects to renew its registration, it shall file the renewal fee as specified in Section 130.110 of this Part with the NASD, if the dealer is a member of the NASD or with the Securities Department if the dealer is not a member of the NASD. Any amended Form BD shall also be filed with the NASD, if the dealer is a member of the NASD or with the Securities Department if the dealer is not a member of the NASD within ten (10) business days if any material changes occur in the information that was filed with the Securities Department when the dealer applied for registration.
- c) ~~After the fee for renewal filed with the NASD is forwarded to the Securities Department, the Securities Department shall issue the dealer a certificate of registration pursuant to Section 8(d) of the Act, the certificate shall be displayed in a manner conspicuous to the public in the dealer's main office in this State, if any, and a copy of the certificate shall be displayed in each branch office in this State.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 130.840 Procedures for Registration as an Investment Adviser Under Section 8(D) of the Act

- a) Each applicant for registration as an investment adviser shall file with the Securities Department a complete and current application and pay to the Securities Department the filing fee and branch office fee, if any, specified in Section 130.110 of this Part. The application

shall consist of the following:

- 1) The Uniform Application for Investment Adviser Registration required by 17 CFR 279.1 as in effect on July 1, 1989 (no subsequent amendments or editions) including Schedule E thereto listing all branch offices in this State, if any;
- 2) A Consent to Service of Process for the investment adviser on the Uniform Application for Investment Adviser Registration required in subsection (a)(1) above, Uniform Form U-2, or Illinois Form 10; unless the applicant is a corporation organized or authorized to transact business under the laws of this State;
- 3) A balance sheet for the investment adviser as of a date not more than sixty (60) days prior to the date of the filing of the application. The balance sheet shall be verified and executed by the chief financial officer of the investment adviser, if any, or other person performing a similar function and must contain:
 - A) an affirmation that the information is true and correct; and
 - B) a statement disclosing whether the investment adviser retains or during the term of registration will retain custody of any client's cash or securities or accept pre-payment of fees in excess of \$500.00 per client and six (6) or more months in advance;
- 4) One copy of the applicant's Articles of Incorporation or if a partnership, certificate of assumed name and a copy of any amendments thereto;
- 5) At or prior to registration of the investment adviser, there shall be on file with the Securities Department, whether through the CRD or otherwise, the following:
 - A) Proof of passing one or more of the requisite examinations, certifications or designations listed in Section 130.842 of this Part for each required principal, unless the Secretary shall have issued an order waiving such requirement pursuant to Section 8(D) of the Act; and
 - B) Any and all amendments required to the application and documents filed pursuant to subsection (a) of this Section, whether as a result of a change in the information provided since the date of filing, or otherwise;
- 6) One copy of Form 8D(10) or Schedule D of the Uniform Application for Investment Adviser Registration, as required by 17 CFR 279.1 as in effect on July 1, 1989 (no subsequent amendments or editions) listing the name and address of each investment adviser representative who renders investment advice in this State on behalf of the applicant;
- 7) One copy of the Illinois Form containing the investment adviser's designated audit date, if other than fiscal year end;
- 8) One copy of the Illinois Form containing an attestation that the investment adviser has not previously rendered investment advice for compensation in this State, or setting forth a claim of exemption or exclusion;

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- 9) One copy of a written statement manually executed by an officer, partner or principal of the registered dealer consenting to the dual registration as investment adviser and salesperson, if registered as a salesperson in this State; and
- 10) One copy of the Illinois Form containing an attestation from a principal officer, general partner or sole proprietor that:
 - A) he or she has read and understands the Act and this Part; and
 - B) he or she will cause each investment adviser representative acting on behalf of the investment adviser in this State to read and understand the Act and this Part.

b) Upon the grant of registration of an investment adviser, the Securities Department shall send to the investment adviser a certificate as evidence of such registration. The certificate shall be displayed in the investment adviser's principal office in this State, if any, and a facsimile thereof shall be displayed in each branch office in this State in each case in a location conspicuous to the public. If the investment adviser has no office in this State, the certificate shall be so displayed at the investment adviser's principal place of business.

b) The application and documents on file with the Securities Department with respect to the investment adviser shall be amended from time to time whenever a change occurs which renders any material information contained therein not accurate in any material respect. Such amendment shall be filed with the Securities Department within ten (10) business days after the occurrence of the change.

c) For purposes of this Section, material information includes, but is not limited to:

- 1) the name and address of the investment adviser;
- 2) type of business organization of the investment adviser;
- 3) disciplinary action concerning the investment adviser;
- 4) whether the investment adviser has custody of clients' funds or securities or accepts pre-payment of in excess of \$500.00;
- 5) whether the investment adviser has discretion over clients' portfolios; or
- 6) whether the investment adviser will give clients Part II of the Uniform Application for Investment Adviser Registration required by subsection (a)(1) of this Section or another document containing the same information.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED RULE

1) Heading of the Part: Korean War Memorial Construction Fund

2) Code Citation: 95 Ill. Adm. Code 122

3) Section Numbers: Proposed Action:
 122.10 New
 122.20 New
 122.30 New
 122.40 New

4) Statutory Authority: Act creating the Korean War Memorial Construction Fund (Public Act 88-560 effective August 4, 1994, Public Act 88-666 effective September 16, 1994) and Public Act 88-551 Article 78, Section 9 effective July 13, 1994.

5) A Complete Description of the Subjects and Issues Involved: As required by the Korean War Memorial Act and P.A. 88-551 (Department's FY95 Budget), these rules establish procedures for the expenditures of State Funds.

6) Will These Proposed Amendments Replace an Emergency Rule Currently in Effect? Yes

7) Does This Rulemaking Contain an Automatic Repeal Date? No

8) Do These Proposed Amendments contain Incorporations by References? No

9) Are There Any Other Proposed Amendments Pending on This Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate.

11) Time, Place and Manner By Which Interested Persons May Comment on This Proposed Ruling? Interested persons can submit written comments within 45 days of the date of the publication to:

Vickey Campbell
 Manager, State Grants
 Department of Veterans' Affairs
 P.O. Box 19432
 833 S. Spring Street
 Springfield, Illinois 62794-9432
 (217)782-6641

12) Initial Regulatory Flexibility Analysis This rulemaking does not affect small business.

The full text of the proposed rules begins on the next page:

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED RULE

TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER 1: DEPARTMENT OF VETERANS' AFFAIRS

PART 122

KOREAN WAR MEMORIAL CONSTRUCTION FUND

Section
122.10
122.20
122.30
122.40

Definitions

Purpose and Scope

Funding Procedure

Accounting Requirements

AUTHORITY: Act creating the Korean War Memorial Construction Fund (Public Act 88-560 effective August 4, 1994, Public Act 88-666 effective September 16, 1994) and Public Act 88-551 Article 78, Section 9 effective July 13, 1994.

SOURCE: Emergency Rules adopted at 18 Ill Reg. 15449, effective September 21, 1994, for a maximum of 150 days; adopted at 19 Ill. Reg. _____, effective _____.

Section 122.10 Definitions

"Department" means the Illinois Department of Veterans' Affairs.

"Director" means the Director of the Illinois Department of Veterans' Affairs.

"Grantee" means the Illinois Korean Veterans' Memorial Fund Committee.

Section 122.20 Purpose and Scope

The purpose of this Part is to create rules and procedures to govern the granting of funds by the Department to the Grantee for the construction of a Korean Veterans' Memorial at Oakridge Cemetery in Springfield.

Section 122.30 Funding Procedure

Before any funds are awarded the Grantee will provide the Department with a full accounting of funds raised to date. This report will include:

- a) amounts and sources/categories of all contributions;
- b) amounts and nature of all expenditures from these funds;
- c) balance of funds available;
- d) full and complete scope of work to include plans, design, and limited costs.

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED RULE

Beginning payment will be matching; i.e., equal amounts of contributed funds with appropriated money. In this method of funding, the contributed funds will be expended with an equal amount of appropriated money to the extent that contributed funds are available.

Section 122.40 Accounting Requirements

- a) The Grantee will keep detailed and concise records of all receipts and expenditures. All financial records will be kept according to the standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants.
- b) All Grantee Records are subject at anytime to an audit by the Department's internal auditor and/or independent CPA firm.
- c) At the end of each quarter the Grantee will submit to the Department a report of funds contributed and sources along with itemized expenditures and balance of funds on hand.
- d) State funds granted under this program are to be used only for expenses associated with the construction of the Illinois Korean Veterans' Memorial, including sidewalks and parking lots adjacent to the memorial. State contributions are not to exceed \$450,000.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Audits, Reviews and Investigations
- 2) Code Citation: 89 Ill. Adm. Code 434
- 3) Section Numbers: Adopted Action:
434.7 Amend
- 4) Statutory Authority: Implementing Section 4 of the Children and Family Services Act [20 ILCS 505/4] and the Fiscal Control and Internal Auditing Act [30 ILCS 10/1001].
- 5) Effective Date of Amendments: February 27, 1995
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 1, 1995
- 9) Notice(s) of Proposal Published in Illinois Register: June 17, 1994 at 18 Ill. Reg. 8777.

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No

11) Difference(s) between proposal and final version:

Section 434.7

Subsection (a); at the seventh line, the words "of Part 357" were deleted.
Subsection (h); at the fifth line, "FY'1993" was deleted and at the eighth line, "1994" was deleted.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of these amendments: Part 434 was amended to correct the effective date for recapture of excess revenues from fiscal year 1994 to 1995.

16) Information and questions regarding these amendments shall be directed to:

Jacqueline Nottingham, Chief

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station 222
Springfield, Illinois 62701-1498
(217) 524-1983
TDD: (217) 524-3715

The full text of the adopted amendments is as follows:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

b) The certified audit and related cost reports are to be reviewed by the Internal Auditors and, when appropriate, a report on the certified audit or cost reports will be issued to Department officials who are responsible for the contract(s). The general objectives of the desk review and report shall determine whether:

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER F: GENERAL ADMINISTRATION

- 1) financial and service unit information is appropriately presented and is consistent with the generally accepted accounting principles;
- 2) costs incurred in operating the contracted service are not less than the revenues received directly for the program;
- 3) related party transactions are appropriately recorded and disclosed;
- 4) significant accounting practices and other information which require disclosure (as described by generally accepted accounting principles) are disclosed appropriately; and
- 5) funds were used in accordance with Department policy and whether the entity has received monies in excess of actual reimbursable costs.

PART 434
AUDITS, REVIEWS, AND INVESTIGATIONS

- c) The Office of Internal Audits is responsible for answering all questions regarding the preparation of a certified audit. If the Department has not received the certified audit by the deadline of 180 calendar days after the completion of the entity's fiscal year, the Office of Internal Audits will notify the entity of the delinquency and send a copy of the notice to Department regional administrative staff.
- d) All certified audits are logged in upon receipt by the Office of Internal Audits and an audit digest (summary of findings) is prepared for each audit received. If the audit does not contain adequate information, the Office of Internal Audits will send a letter to the entity to request additional information. If the certified audit does not meet the standards set out in subsection (a) of this Section, the entity will be given 30 business days to submit a new certified audit. The Office of Internal Audits will prepare a desk review report which will highlight any deficiencies that are found in the audit and will contain specific recommendations for procedural changes in the preparation of certified audits. The completed desk review report will be sent directly to the entity, with a copy to appropriate Department regional staff.
- e) Department regional staff are responsible for reviewing the recommendations contained in the desk review report and providing assistance as necessary to the entity in follow-up on the recommendations made. The desk review report may contain recommendations for contract or budget revisions which must be acted upon by the regional staff.
- f) The desk review report may contain recommendations which require an additional response from the entity before the certified audit is accepted. The entity's response and concurrence with the recommendations of the desk review report will close the desk review

- 434.1 Purpose
- 434.2 Definitions
- 434.3 Audit Standards to be Applied and Audit Procedures to be Followed for Internal Auditing
- 434.4 Scope of the Internal Audit/Review or Investigation
- 434.5 Reports of Internal Auditors
- 434.6 Exit Conferences
- 434.7 Certified Audits, Cost Reports and Desk Reviews
- 434.8 Records Maintenance and Availability for Audit
- 434.9 Responsibilities of the Office of Internal Audits
- 434.10 Administrative Hearings of Draft Audit Findings and Recommendations
- 434.11 Referrals by Department Employees to the Investigations Unit
- 434.12 Severability of This Part

AUTHORITY: Implementing and authorized by Section 4 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5004) [20 ILCS 505/4] and the Fiscal Control and Internal Auditing Act (Ill. Rev. Stat. 1991, ch. 15, pars. 1000 et seq.) [30 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 8634, effective September 1, 1981; amended at 8 Ill. Reg. 133, effective December 30, 1983; amended at 18 Ill. Reg. 6697, effective May 1, 1994; emergency amendment at 18 Ill. Reg. 8944, effective June 3, 1994, for a maximum of 150 days; emergency expired on October 31, 1994; amended at 19 Ill. Reg. 2760, effective FEB 27 1995.

Section 434.7 Certified Audits, Cost Reports and Desk Reviews

a) The Department's requirements for providers include the annual filing of a cost report (for all providers in accordance with 89 Ill. Adm. Code 357) and a certified audit of entities who receive annual payments in excess of \$50,000 in any one contract year. The certified audit for all entities must be completed and submitted within 180 calendar days after the completion of their fiscal year as required by Section--357--(f)--of--Part--357, Purchase of Service (89 Ill. Adm. Code 357.11 (f)). Day care providers must complete audits in accordance with the Department's Guide for Audits of Day Care Provider Organizations. All Governmental and not-for-profit entities must complete audits in accordance with OMB Circulars A-128 or A-133, whichever is applicable.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- process.
- h) When the rates for group homes, institutions, day care, independent living, homemakers, Medicaid and unmarried mothers services are set by audited costs, the entity is exempt from recapture of any excess revenues associated with these services. The total amount of excess revenues identified during FY 1981-~~FY~~1993 FY 1994 must be recorded as a liability on the entity's financial statements and may be retained by the entity until the specified program type is no longer in effect. If, beginning with State fiscal year 1994 1995 and in any subsequent years, payments from the Department exceed expenses attributable for a specified program type, any excess revenues which are identified will be recaptured during the following fiscal year contract period.
- i) Waiver of the certified audit requirement must be requested in writing and directed to the Department's Chief Auditor. The request should state the reason for the waiver request. A request for an extension of the deadline for submittal of the audit beyond the time specified in the contract must also be submitted in writing to the Chief Auditor. The Department's Chief Auditor will respond to requests for waivers or extensions within thirty business days, specifying approval or rejection of the waiver.

(Source: Amended at 19 Ill. Reg. 2760, effective
FEB 27 1995)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 406
- 3) Section Numbers: Adopted Action:
406.2 Amend
406.8 Amend
406.9 Amend
406.13 Amend
406.22 Amend
- 4) Statutory Authority: Implementing the Child Care Act of 1969 [225 ILCS 10/1] and authorized by the Child Care Act of 1969 [225 ILCS 10/7]
- 5) Effective Date of Amendments: February 23, 1995
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these Amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: February 23, 1995
- 9) Notice of Proposal Published in Illinois Register: February 25, 1994, 18 Ill. Reg. 2683
- 10) Has JCAR issued a Statement of Objection to these Amendments? No.
- 11) Differences between proposal and final version:

The definition of "primary basement exit" was removed from Section 406.2. A definition of "protected exit from a basement" was added to Section 406.2.

Section 406.8(a)(6) - The requirement for inspection of wood-burning stoves or fireplaces has been limited to those instances when the stove or fireplace is used during the hours that day care services are being provided. The day care provider must obtain a written statement certifying the safety of the wood-burning stove or fireplace from the Office of the State Fire Marshal or local agencies designated by the Office of the State Fire Marshal to conduct inspections on its behalf. Certifications from building inspectors, heating and ventilating contractors, and local fire inspectors which have not been designated by the Office of the State Fire Marshal will no longer be accepted. In addition, the Department is requiring these statements upon initial application for licensure and each subsequent license renewal. The proposed requirement for inspection of the furnace by a heating and ventilating contractor has been removed.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station # 222
Springfield, Illinois 62701-1498
(217) 524-1983
TTY: (217) 524-3715

The full text of the adopted amendments begin on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 406.8(a)(7) - The requirements for exiting when the basement area is used for day care have been changed. All basements used for day care must have two exits. One exit must be a door that opens directly to the outside (without traversing any other level of the home) or a protected exit, as defined in Section 406.2, via a door or stairway which allows unobstructed travel directly to the outside of the building at street or ground level. In addition, specific requirements have been added regarding the dimensions of windows used as second exits and the placement of permanently affixed, sturdy ramps or stairs below windows used as second exits.

Section 406.8(a)(16) - The requirements for the disaster evacuation plan have been modified to require that the plan must be in writing and must specify exits from every area of the home used for child care.

Section 406.8(j) - The prohibition on smoking was clarified to state that no smoking is prohibited in any area of the home in which day care services are provided while day care children are on the premises of the home.

Section 406.8(k) - This subsection has been modified specifically to require that the licensee be certified in the Heimlich maneuver and infant-child CPR. Day care homes which accept children eight years of age and older must also be certified in adult CPR. Currently licensed day care homes have one year from the effective date of the standards to obtain their certification. New license applicants must be certified in the Heimlich maneuver and CPR before the license or permit is granted.

Section 406.22(c) - The requirement for the sleeping position of infants has been changed to reflect the 1992 recommendation of the American Academy of Pediatrics. Children who cannot turn over alone are to be placed on their backs or sides, unless contraindicated by a physician.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will the Amendment replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this part? No.
- 15) Summary and Purpose of Adopted Amendments: These adopted amendments increase the safety of day care homes and will encourage the expansion of day care homes for acceptance of school-age children.
- 16) Information and questions regarding the adopted amendment shall be directed to:

LaqueLine Nottingham, Chief

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective FEB 23 1995.

Section 406.2 Definitions

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type which complies with all the requirements of the Rules rules and regulations of the Illinois State Fire Marshal. Section 2 of the Facilities Requiring Smoke Detectors Act (1991 Rev. Stat., ch. 127-1/2, par. 002) [425 ILCS 10/2].

"Attendance" means the total number of children under the age of 12 present at any one time.

"Authorized representative of the Department" means the licensing representative or any person acting on behalf of the Director of the Department.

"Caregiver" means the individual directly responsible for child care.

"Child care facility" means any person, group of persons, agency, association, or organization, which arranges for care or cares for children unrelated to the operator of the facility, apart from the parents in any facility as defined in the Act. Child care facilities may be established for profit or not-for-profit. "Child care facility" is further defined in paragraph 2.05 in The Child Care Act of 1969.

"Children with special needs" means children exhibit one or more of the following characteristics which is confirmed by clinical evaluation:

Visual impairment: the child's visual impairment is such that development to full potential without special services cannot be achieved.

Hearing impairment: the child's residual hearing is not sufficient to enable understanding the spoken word and to develop language, thus causing extreme deprivation in learning and communication, or a hearing loss is exhibited which prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning.

Physical or health impairment: the child exhibits a physical or health impairment which requires adaptation of the physical plant.

Speech and/or language impairment: the child exhibits deviations of speech and/or language processes which are outside the range of acceptable variation within a given environment and which prevent full social development.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 406
LICENSING STANDARDS FOR DAY CARE HOMES

- Section 406.1 Purpose
- 406.2 Definitions
- 406.3 Effective Date of Standards
- 406.4 Application for Renewal of License
- 406.5 Provisions Pertaining to the License
- 406.6 Provisions Pertaining to Permits
- 406.7 General Requirements for Day Care Homes
- 406.8 Characteristics and Qualifications of the Day Care Family
- 406.9 Qualifications for Assistants
- 406.10 Substitutes
- 406.11 Admission and Discharge Procedures
- 406.12 Number and Ages of Children Served
- 406.13 Health and Medical Care
- 406.14 Discipline of Children
- 406.15 Activity Requirements
- 406.16 Nutrition and Meals
- 406.17 Transportation of Children By Day Care Home
- 406.18 Swimming
- 406.19 Children with Special Needs
- 406.20 School Age Children
- 406.21 Children Under 30 Months of Age
- 406.22 Night Care
- 406.23 Records and Reports
- 406.24 Confidentiality of Records and Information
- 406.25 Cooperation with the Department
- 406.26 Severability of This Part
- APPENDIX A Meal Pattern Chart for Children 0 to 12 Months of Age
- APPENDIX B Meal Pattern Chart for Children Over One Year of Age

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 10/2].

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Learning disability: the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control or motor function. Behavioral disability: the child exhibits an effective disability and/or maladaptive behavior which significantly interferes with learning and/or social functioning.

Mental impairment: the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild, moderate, severe or profound.

"Consultants" means those individuals providing technical assistance or advice regarding any aspect of the operation of the day care home.

"Day care homes" means family homes which receive more than 3 up to a maximum of 12 children for less than 24 hours per day. The maximum of 12 children includes the family's natural, foster, or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household.

"Department" means the Illinois Department of Children and Family Services.

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways.

"Grade level" means not more than 4 feet above or 4 feet below ground level.

"Ground level" means that a child can step directly from the exit onto the ground, a sidewalk, a patio, or any surface which is not above or below the ground.

"Guardian" means the guardian of the person of a minor.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of The Child Care Act of 1969.

"License study," as used in this Part, means the review of an application for license, on-site visit(s), interviews, and the collection and review of supporting documents to determine compliance with The Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the maximum number of day care children under age 12 permitted in the home at any one time. Children age 12

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

and over on the premises are not considered in determining license capacity.

"Licensing representative" for the purposes of this Part, means those Department staff or other persons authorized under Section 5 of The Child Care Act of 1969 to examine facilities for licensure.

"Parents," as used in this Part, means those person(s) assuming legal responsibility for care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit," as used in this Part, means a one-time only document issued by the Department of Children and Family Services for a two-month period to allow the individual(s) to become eligible for a license.

"Person" means any individual, group of persons, agency, association, or organization.

"Physician" means a person licensed to practice medicine in the State of Illinois.

"Premises" means the location of the day care home wherein the family resides and includes the attached yard, garage, and any other out-buildings.

"Primary--basement-exit" means the preferred method of egress from the basement in an emergency. The primary means of exit may be:

A door that exits directly to the outside at grade level and which has not more than twelve interior steps leading to the door; or

A window that exits directly to the outside at ground level which is operable from the inside without the use of tools large enough to accommodate an adult; and which has not more than 5 interior steps leading to the window.

"Program" means all activities provided for the children during their hours of attendance in the home.

"Protected exit from a basement" means an exit which is separated from the remainder of the day care home by barriers (such as walls, floors, or doors) providing one-hour fire resistance. The separation must be designed to limit the spread of fire and restrict the movement of smoke.

"Related" means any of the following relationships by blood, marriage, or adoption: parent, grandparent, great-grandparent, great-uncle, great-aunt, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, nephew, niece, or first cousin.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

"School age" means children from 6 to 12 years of age and five year olds who are in full-day kindergarten.

"Special use areas" means areas of the home which may not be included in the measurements of the area used for child care. Special use areas include, but are not limited to, laundry rooms, furnace rooms, bathrooms, hazardous areas, and areas off-limits to children.

"Supervising agency," as used in this Part, means a licensed child welfare agency, a licensed day care agency, or the Department of Children and Family Services.

(Source: Amended at 19 Ill. Reg. 2765, effective FEB 23 1995)

Section 406.8 General Requirements for Day Care Homes

a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.

- 1) The home shall have a first aid kit consisting of band-aids, sterile gauze pads, adhesive tape, tweezers and mild soap.
2) The kitchen shall be equipped with an operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
3) Electrical outlets that are within reach of children shall have protective coverings. There shall be no exposed or uninsulated wiring.
4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attic attics. and-basement: A smoke detector in operating condition shall be within fifteen (15) feet of rooms where child(ren) nap or sleep. The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling. In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story. Further, in any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detector(s) shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit. (Section 2 of the Facilities Requiring Smoke Detectors Act (Rev. Stat. 1991, Ch. 127-1/27, par. 0222-1425 ILCS 10/21) For purposes of this rule, "substantial remodeling" represents more than 15% of the replacement cost of the day care home. Compliance with any applicable federal, State

or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.

- 5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a day care home during the hours that day care is provided.
6) Facilities in which a wood-burning stove or fireplace has been installed and which is used during the hours that day care is provided or in which a portable space heater is being utilized shall furnish a written statement certifying its safety from a building inspector, heating and ventilating contractor, local fire inspector or the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf. certifying its safety. Such statement shall be provided upon initial application for licensure and subsequent applications for license renewal. In addition, the supervising agency shall require such a certification of safety for any heating installation, appliance or device it has reason to believe to be unsafe.
7) Where the basement area may be used for child care, two exits shall be provided. At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway which allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than eight feet high. A second exit may be a window operable from the inside without the use of tools which provides a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. If the window is used as a second exit, the bottom of the window opening shall be not more than 44 inches above the floor. When the bottom of the window opening is greater than 24 inches above the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency. If the basement area does not meet these exiting requirements, the basement may be used for day care only with the prior written approval of the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf. Basements which have been approved for day care use in currently licensed day care homes are permitted one year from the effective date of these amendments to comply with these basement exiting requirements. At least one of which shall qualify as a primary basement exit if no basement exit qualifies as a primary

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- 19) fire department or attempting to combat the fire. There shall be an operable telephone available on the premises of the licensee.
- 20) All in-ground or above-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 3 1/2 feet in height and secured by a locked gate.
- 21) Portable wading pools shall be emptied daily and cleaned with a germicidal solution before being air-dried.
- b) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and shall be reasonably safe from hazards.
- c) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be cleaned daily with a germicidal solution unless plastic liners are used and disposed of daily.
- d) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for infants.
- e) Hot and cold running water shall be provided.
- f) Insect and rodent control shall be maintained.
 - 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
 - 2) Chemicals for insect and rodent control shall not be applied in areas accessible to children when children are present.
- g) Healthy household pets which present no danger to children are permitted.
 - 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
 - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
 - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
 - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
- h) Indoor space shall consist of a clean, comfortable environment for children.
 - 1) The day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.
 - 4) When used for child care, basement floors shall have protective covering such as, but not limited to, tile, carpet, linoleum.

- 8) All walls and surfaces shall be free from chipped or peeling paint.
- 9) Walls of rooms that children use shall be maintained free of lead paint.
- 10) Furniture and equipment shall be kept in safe repair.
- 11) First-aid supplies, medication, cleaning materials, poisons, and other hazardous materials shall be stored in places inaccessible to children.
- 12) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
- 13) Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home.
- 14) Any firearm, other than a handgun in the possession of a peace officer or other person as provided above, shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearm(s) shall be kept in locked storage separate from that of the disassembled firearm(s), inaccessible to children.
- 15) The operator of the home shall notify the parent(s) or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parent(s) or guardian that such firearms and ammunition are locked in storage inaccessible to children. (Section 7 of the Act) Such notification need not disclose the location where the firearms and ammunition are stored.
- 16) There shall be written plans for immediate evacuation in case of emergency. The evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route. Monthly fire drills shall be conducted for the purpose of removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in the event of a tornado. Records shall be maintained of the dates and times required drills are conducted.
- 17) Exit doors shall be kept clear of equipment and debris at all times.
- 18) In the event of a fire, the day care home shall be evacuated immediately and the children's safety insured before calling the

4 of 20000000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

i) Paint or sealer alone is not acceptable as a protective covering. The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. When the license capacity of the home exceeds eight children, there shall be:

- 1) A minimum of 35 square feet of floor space per each child in care, and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage for the bedding materials and the bedding materials are removed before and after naptime.
- l) No person may smoke tobacco in any area of the day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed motor vehicle, to children who are receiving day care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided.

k) There shall be safe outdoor space for active play.

- 1) Space shall be provided for play in yards, nearby parks or playgrounds.
- 2) Space shall be protected by physical means or by adult beginning supervision against all hazards such as pools, traffic, and construction.
- 3) Play areas shall be well drained and safely maintained.
- 4) If public parks or playgrounds are used for play, the children shall be closely supervised by the beginning during play and while traveling to and from the area.
- 5) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 406.9 below.

l) Operation of other business on the premises must not interfere with the care of children.

m) A day care home may not house bedridden or chronically ill persons except by permission of the supervising agency. The supervising agency shall grant such permission unless the person has a contagious or a reportable communicable disease or requires care which adversely affects the ability of the beginning to supervise children.

(Source: Amended at 19 Ill. Reg. 2765, effective FEB 23 1995)

Section 406.9 Characteristics and Qualifications of the Day Care Family

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

a) No individual may receive a license from the Department when the applicant, an adult member of the household, or any individual who comes in regular or frequent contact with the children cared for in a day care home, or any employee of the day care home, has been determined to be a perpetrator of child abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act (405 ILCS 5/3-1991; ch. 297-295; par. 295) [325 ILCS 5/3] and who has been identified through circuit court (juvenile, criminal, civil) proceeding as having been a perpetrator of child abuse or neglect based on any one of the following:

- 1) Death
- 2) Brain damage or skull fracture
- 3) Subdural hematoma
- 4) Internal injuries
- 5) Wounds (gunshot, knife, or puncture)
- 6) Torture
- 7) Sexually transmitted diseases
- 8) Sexual penetration
- 9) Sexual molestation
- 10) Sexual exploitation
- 11) Failure to thrive
- 12) Malnutrition
- 13) Medical neglect of disabled infant

b) For the purposes of Section 406.9(a) identification through circuit court proceedings includes:

- 1) specific findings by a court that a child's abuse, neglect or dependency is the result of physical abuse inflicted by a parent, guardian or legal custodian or other person responsible for the child's welfare (as defined by Section 4 of the Abused and Neglected Child Reporting Act 405 ILCS 5/4-1991; ch. 297-295; par. 295) [325 ILCS 5/4].

2) criminal convictions and civil judgments regardless of the type of sentence imposed or amount of damages recovered for offenses relating to child abuse, child neglect or child sexual abuse resulting from jury trials, bench (court) trials or voluntary guilty pleas.

c) Prior to denying an individual a license or employment pursuant to subsection (a) the Department shall notify by certified mail the individual that he or she has been identified as a perpetrator of child abuse or neglect as described in subsection (a) above, and the Department shall provide the individual an opportunity to demonstrate that he or she is other than the individual identified in the court finding, criminal conviction or civil judgement.

d) An individual requesting an opportunity for review pursuant to subsection (c) above shall submit such request, in writing, to the Department or the child care facility, as applicable, within ten (10) days of receipt of written notice of the Department's intent to deny a license or the Department's or child care facility's intent to deny

employment. The individual shall be notified, in writing, of the date, time and location of the review. The individual may be represented by counsel of his or her choice, and may present evidence and/or witness(es) on his or her behalf. The individual shall be required to produce evidence that he or she is not the individual identified in the court finding, criminal conviction or civil judgement the Department has relied upon in making the identification. Evidence to be considered shall be limited to:

- 1) Fingerprints processed through the U.S. Justice Department and the Illinois Department of State Police indicating an absence of a conviction arising from child abuse or neglect identified in subsection (a) above; or
- 2) Sworn statements from the law enforcement agency or clerk of the court upon whom the Department has relied for the identification that the subject of the report provided to the Department is not the individual seeking licensure or employment.

e) Except as provided in subsection (a) above, a person determined to be the perpetrator of an indicated incident of abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act shall not automatically be denied a license from the Department or be denied employment in a day care home licensed by the Department. Rather, ~~the Department shall provide~~ the individual shall be given an opportunity to present evidence which demonstrates fitness for licensure or employment. Such evidence shall include, but not be limited to:

- 1) the nature of the abuse or neglect with which the individual was identified, including whether the abuse or neglect resulted in serious injury or death to a child or children;
- 2) the circumstances surrounding the commission of the abuse or neglect, including the age of the perpetrator and the child(ren), that would demonstrate an unlikelihood of repetition;
- 3) the period of time that has elapsed since the abuse or neglect occurred and whether prior incidents of child abuse or child neglect have been indicated against the individual;
- 4) whether the abuse or neglect involved a single or multiple child victims;
- 5) the relationship of the incident of child abuse or neglect to the individual's current or prospective responsibilities within the day care home;
- 6) evidence of rehabilitation such as employment, education, participation in therapy since the indicated incident(s) of abuse or neglect; and
- 7) character references.

f) Except as stated in Section 406.9(a) and Section 4.2 of the Child Care Act of 1969 ~~(117--Rev--68at--1991--ch--23--par--2214-2)~~ [225 ILCS 10/4.2], an individual convicted of a crime will not automatically be prohibited from contact with children cared for in a day care home solely because of the conviction. Instead, ~~the supervising agency shall consider--the--following~~ the individual shall be given an

opportunity to present evidence which demonstrates fitness for contact with children receiving day care. Such evidence shall include, but is not limited to:

- 1) The type of crime for which the individual was convicted;
- 2) The number of crimes for which the individual was convicted;
- 3) The nature of the offense(s);
- 4) The age of the individual at the time of conviction;
- 5) The length of time that has elapsed since the last conviction;
- 6) The relationship of the crime and the capacity to care for children;
- 7) Evidence of rehabilitation; and
- 8) Opinions of community members concerning the individual in question.

g) Members of the household who have contact with the children in care shall treat them with respect, courtesy, and patience.

h) The beginning is responsible for the day-to-day operation of the day care home in accordance with the standards prescribed in this Part.

i) The beginning(s) in a day care home shall be at least 18 years of age.

j) The caregivers and all members of the household shall provide medical evidence as required by Section 406.24(h) that they are free of reportable communicable disease, and, in the case of caregivers, free of physical or mental conditions which could interfere with the child care responsibilities.

k) The licensee shall be certified in the Heimlich maneuver and infant-child CPR. If the day care home accepts children eight years of age and older, the licensee also shall be certified in adult CPR. The licensee shall maintain current certification. Currently licensed day care homes have one year from the effective date of these amendments to obtain their certification in CPR and the Heimlich maneuver. Any such training shall meet the standards of the American Heart Association or the American Red Cross.

l) Through interaction with the licensing representative, children, parent(s) or guardian of children in care and operation of the day care home in accordance with standards prescribed by this Part, caregivers shall exhibit competence in the following specific areas:

- 1) Knowledge of basic hygiene, safety, and nutrition.
 - 2) The ability to relate comfortably with parents and to communicate with them on differences in caregiving methods, values, and goals.
 - 3) The ability to communicate with children.
 - 4) The ability to set realistic controls for children and to enforce these without harshness or physical abuse.
 - 5) Knowledge of the child's need to explore and manipulate and the willingness to provide and maintain a home where children can enjoy living and learning.
- m) The beginning(s) may not be employed outside the home during the hours that child care is being provided.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. 2765, effective FEB 23 1995)

Section 406.13 Number and Ages of Children Served

- a) The maximum number of children cared for in a day care home shall be 12 children under the age of 12, including the caregiver's own children, related children, and unrelated children.
- b) A beginning alone may care for:
- 1) A mixed age group consisting of:
 - A) Up to eight children under the age of 12, of which
 - B) Up to five children may be under the age of five, of which
 - C) Up to three children may be under 24 months of age.
 - 2) A pre-school group consisting of:
 - A) Up to eight children under the age of 12, of which
 - B) Up to six children may be under the age of five, of which
 - C) No child may be under age three.
 - 3) A school age group consisting of eight school age children, as defined in Section 406.2.
- c) In addition to the children who may receive day care in accordance with subsection (b) above, a day care home may accept four additional children who are attending school full-time if a before and/or after school assistant is employed ~~and a fire-clearance is obtained~~. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforseen school closings, and during the summer. The assistant shall be present at all times when school children are present.
- d) A beginning and an assistant may care for a total of eight children under five years of age of which up to five children may be under 24 months of age. Four additional children who are attending school full-time may be accepted for care only if the assistant is age 18 or over ~~and a fire-clearance is obtained~~. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforseen school closings, and during the summer.
- e) In the event of a brief unforeseen school closing, the beginning may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 12 children. The beginning shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- f) When the acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan which will be submitted to the licensing representative for review and approval. The plan may be approved when:
- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) At least one of the siblings has been in care for 30 days or more, and
- 3) The transition plan will bring the home back into compliance with the established age groupings within 6 months of the date the plan is approved.
- g) Caregivers licensed as of the effective date of these amendments who are in full compliance with the standards of this Part may request in writing an increase in license capacity to the maximum of 12 children. A decision regarding the increase in capacity shall be rendered within 90 days of receipt of the request. Decisions shall be made in accordance with the amended standards of this Part.

(Source: Amended at 19 Ill. Reg. 2765, effective FEB 23 1995)

Section 406.22 Children Under 30 Months of Age

- a) Children under 30 months of age shall not be permitted in bathrooms, kitchens, or other hazardous areas without the caregiver or assistant present.
- b) Children under 30 months of age shall be provided a daily program that is designed to meet their needs.
 - 1) The caregiver shall demonstrate warm, positive feelings toward each child through actions such as hugging, patting, smiling, and cuddling.
 - 2) Routines such as naps and feedings shall be discussed with the parents and shall be consistent with the child's routine at home.
 - 3) Non-mobile children who are awake shall be moved to different positions and shall be held, rocked, and carried about.
 - 4) The caregiver shall frequently change the place, position, and toys available for children who cannot move about the room.
 - 5) Consistent toilet training shall be undertaken at a time mutually agreed upon by parent and caregiver in accordance with the child's age and/or stage of development.
 - 6) Children shall be taken outdoors for a portion of every day, when weather permits, except when the child is ill or unless indicated otherwise by parent or physician.
- c) Feeding schedules and procedures shall meet the developmental needs of the children.
 - 1) Flexible feeding schedules of children shall be established to coordinate with parents' schedules at home and to allow for nursing.
 - 2) To avoid sudden infant death syndrome, children ~~children~~ who cannot turn over alone shall be placed on their sides or backs when put down to sleep ~~abdomens--after--feeding~~ unless contraindicated by a physician. Placing children on their abdomens for any reason shall be avoided, unless specifically instructed by the child's physician to do so.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) Children up to 6 months of age shall be held while being bottle-fed. Children of more than 6 months may be held, if needed. Bottles shall not be propped at any time. When children are old enough to hold their own bottles, they may feed themselves without being held. The bottle must be removed when the child has fallen asleep.
- 4) Children shall be allowed and encouraged to feed themselves when they indicate a readiness to do so.
- 5) Safe finger foods such as those which dissolve in the mouth may be provided.
- d) Proper standards of hygiene shall be observed in the home.
- 1) Hands shall be washed and dried before the feeding of each child.
 - 2) If the child's formula is brought in by the parent, it shall be labeled and placed in the refrigerator.
 - 3) All utensils shall be washed after each use.
 - 4) Foods stored or prepared in jars shall be served from a separate dish for each child. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the child's name, dated, refrigerated, and served within 24 hours or discarded.
 - 5) A toilet shall be easily accessible so that the contents of diapers may be disposed of before placing the diapers in the diaper pail. Disposable diapers and their contents shall be disposed of in accordance with the manufacturer's instructions.
 - 6) Persons changing diapers shall wash hands under running water with soap after each change of diaper. Hands shall be dried with single-use towels. Additionally, disposable latex, rubber or plastic gloves shall be worn when changing a child who has watery or bloody stools.
 - 7) The child whose diapers are being changed is to be washed on the hands and anal area if there has been defecation or if irritation is present.
 - 8) Children who are not toilet trained shall be diapered in their own cribs, at a central diapering area on a surface that is sanitized after each use, or on a disposable paper sheet which is disposed of after each diapering.
 - 9) The toilet seat, if soiled, or potty shall be cleaned after every use.
 - 10) Soiled diapers shall be changed promptly.
 - 11) Sheets shall be changed when soiled, and all sheets shall be changed routinely two times per week.
 - 12) All beds shall be wiped clean as often as necessary.
 - 13) Toys and equipment shall be kept clean.
- e) A germicidal solution of one (1) part household chlorine bleach to nine (9) parts water or other germicidal solution approved by the Centers for Disease Control shall be used to clean surfaces soiled by blood or body fluids. The bleach solution shall be made fresh daily.
- f) The equipment must be appropriate to the developmental needs of the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- child in care.
- 1) Safe, sturdy, well-constructed individual cribs, playpens, or port-a-cribs for infants shall be equipped with good firm, fitting mattresses made of waterproof materials that can be washed. Washable cots may be used for children 15 months of age and over.
 - 2) Sleeping equipment for children under 15 months must have protection to prevent falls.
 - 3) There shall be no more than one-and-one-half inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.
 - 4) Bed linens used on the cots, cribs, or playpens shall be safe, tightly fitting, and washable.
 - 5) Conveniently located, washable, plastic-lined covered receptacles shall be provided for soiled diapers and linens.
 - 6) A toilet seat or potty shall be provided.
 - g) The materials must be appropriate to the developmental needs of the child in care.
 - 1) Provision shall be made for an adequate supply of individual diapers, clothing, powder, oil, etc.
 - 2) Cribs shall be equipped with brightly colored hanging toys or mobiles.
 - 3) There shall be a variety of toys and art materials for children under 30 months of age to observe, grasp, pick up, and manipulate.
 - 4) Pull toys, pounding toys, large hollow blocks, or large balls shall be available for development of large muscles.
 - h) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to children under 30 months of age. Hazardous or injurious characteristics include sharp, rough edges; toxic paint; and objects small enough to be swallowed.

(Source: Amended at 19 Ill. Reg. 2765, effective FEB 23 1995)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Group Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 408
- 3) Section Numbers: Adopted Action:
 408.5 Amend
 408.30 Amend
 408.40 Amend
 408.65 Amend
 408.105 Amend
- 4) Statutory Authority: Implementing the Child Care Act of 1969 [225 ILCS 10/1] and authorized by the Child Care Act of 1969 [225 ILCS 10/7]
- 5) Effective Date of Amendments: February 23, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 23, 1995
- 9) Notice of Proposal Published in Illinois Register: 18 Ill. Reg. 2700, February 25, 1994
- 10) Has JCARE issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version:

The definition of "primary basement exit" was removed from Section 408.5. A definition of "protected exit from a basement" was added to Section 408.5.

Section 408.30(a)(6) - The requirement for inspection of wood-burning stoves or fireplaces has been limited to those instances when the stove or fireplace is used during the hours that day care services are being provided. The day care provider must obtain a written statement certifying the safety of the wood-burning stove or fireplace from the Office of the State Fire Marshal or local agencies designated by the Office of the State Fire Marshal to conduct inspections on its behalf. Certifications from building inspectors, heating and ventilating contractors, and local fire inspectors which have not been designated by the Office of the State Fire Marshal will no longer be accepted. In addition, the Department is requiring these statements upon initial application for licensure and each subsequent license renewal. The proposed requirement for inspection of the furnace by a heating and ventilating contractor has been removed.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- Section 408.30(a)(7) - Group day care homes which are located in a building other than a one or two-family dwelling (apartment buildings, condominiums, triplexes, etc.) may accept children under 30 months of age only in those areas approved by the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf. Inspections conducted by local fire inspectors which have not been authorized by the Office of the State Fire Marshal will no longer be accepted.
- Section 408.30(a)(9) - The requirements for exiting when the basement area is used for day care have been changed. All basements used for day care must have two exits. One exit must be a door that opens directly to the outside (without traversing any other level of the home) or a protected exit, as defined in Section 408.5, via a door or stairway which allows unobstructed travel directly to the outside of the building at street or ground level. In addition, specific requirements have been added regarding the dimensions of windows used as second exits and the placement of permanently affixed, sturdy ramps or stairs below windows used as second exits.
- Section 408.30(c) - The prohibition on smoking was clarified to state that no smoking is prohibited in any area of the home in which day care services are provided while day care children are on the premises of the home.
- Section 408.30(p) - The requirements for the disaster evacuation plan have been modified to require that the plan must be in writing and specify exits from every area of the home used for child care.
- Section 408.45(k) - The Department proposed amendments to this subsection comparable to that proposed in 89 Ill. Adm. Code 406, Licensing Standards for Day Care Homes to require that the licensee must be certified in the Heimlich maneuver and infant-child CPR. However, after considering the public comment received and the recommendation from the Joint Committee on Administrative Rules, the Department agrees that the requirements in Section 408.35 regarding training in First Aid, the Heimlich maneuver, and CPR were sufficient to accomplish the desirable safety level. Therefore, the proposed amendments to Section 408.45 were withdrawn.
- Section 408.65(e) - The requirement that group day care homes which accept more than twelve children under 12 years of age receive a fire clearance will remain as a requirement. The Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf must inspect the group day care home and approve it for acceptance of the expanded capacity.
- Section 408.105(c) - The requirement for the sleeping position of infants has been changed to reflect the 1992 recommendation of the American

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408
LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section	Purpose
408.1	Definitions
408.5	Effective Date of Standards
408.7	Application For License
408.10	Application for Renewal of License
408.15	Provisions Pertaining to the License
408.20	Provisions Pertaining to Permits
408.25	General Requirements for Group Day Care Homes
408.30	General Requirements for Group Day Care Home Family Background Checks
408.35	Caregiver(s)
408.40	Child Care Assistant(s)
408.45	Substitute(s)
408.50	Admission and Discharge Procedures
408.55	Number and Ages of Children Served
408.60	Health and Medical Care
408.65	Discipline of Children
408.70	Nutrition and Meals
408.75	Program
408.80	Transportation of Children
408.85	Swimming
408.90	Children with Special Needs
408.95	Children Under 30 Months of Age
408.100	School Age Children
408.105	Night Care
408.110	Records and Reports
408.115	Confidentiality of Records and Information
408.120	Cooperation with the Department
408.125	Severability of This Part
408.130	Meal Pattern Chart for Children 0 to 12 Months of Age
408.135	Meal Pattern Chart for Children Over One Year of Age
APPENDIX A	Minimum Equipment and Supplies - Preschool Programs
APPENDIX B	Minimum Equipment and Supplies - Infant and Toddler Programs
APPENDIX C	
APPENDIX D	

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 10/2].

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
NOTICE OF ADOPTED AMENDMENTS

Academy of Pediatrics. Children who cannot turn over alone are to be placed on their backs or sides, unless contraindicated by a physician.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will the Amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this part? No

15) Summary and Purpose of Adopted Amendments:

These adopted amendments increase the safety of day care homes and will encourage the expansion of day care homes to accept school-age children.

16) Information and questions regarding the adopted amendment shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station # 222
Springfield, Illinois 62701-1498
Phone: (217) 524-1983
TTY: (217) 524-3715

The full text of the adopted amendments begin on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2184, effective Feb 23 1995.

Section 408.5 Definitions

"Accredited" means accredited by the North Central Association of Schools and Colleges, its regional counterparts, or the National Accreditation Council.

"Adult," as used in this Part, means a person eighteen (18) years of age or older.

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type which complies with all the requirements of the Rules, Rules and regulations of the Office of the Illinois State Fire Marshal. Section 2 of the Facilities Requiring Smoke Detectors Act (~~111-Rev-Stat--1991-CH--127-1/27-PAR--002~~) [425 ILCS 10/2].

"Attendance" means the total number of children under the age of 12 present at any one time.

"Authorized representative of the Department" means the licensing representative or any person acting on behalf of the Director of the Department.

"Caregiver" means the individual directly responsible for child care.

"Child care facility" means any person, group of persons, agency, association, or organization, which arranges for care or cares for children unrelated to the operator of the facility, apart from the parents in any facility as defined in the Child Care Act of 1969. Child care facilities may be established for profit or not-for-profit. "Child care facility" is further defined in Section 2.05 in The Child Care Act of 1969.

"Children with special needs" means child(ren) exhibit one or more of the following characteristics which is confirmed by clinical evaluation:

"Visual impairment": the child's visual impairment is such that development to his or her potential without special services cannot be achieved.

"Hearing impairment": the child's residual hearing is not sufficient to enable him or her to understand the spoken word and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

to develop language, thus causing extreme deprivation in learning and communication, or a hearing loss is exhibited which prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning.

"Physical or health impairment": the child exhibits a physical or health impairment which requires adaptation of the physical plant.

"Speech and/or language impairment": the child exhibits deviations of speech and/or language processes which are outside the range of acceptable variation within a given environment and which prevent full social development.

"Learning disability": the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control or motor function.

"Behavioral disability": the child exhibits an effective disability and/or maladaptive behavior which significantly interferes with learning and/or social functioning.

"Mental impairment": the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild, moderate, severe or profound.

"Department" means the Illinois Department of Children and Family Services.

"Discipline" means the process of helping child(ren) to develop inner controls so that they can manage their own behavior in socially acceptable ways.

"Grade level" means not more than four feet above or four feet below ground level.

"Ground level" means that a child can step directly from the exit onto the ground, a sidewalk, a patio, or any other surface which is not above or below the ground.

"Group day care home" means a family home which receives more than 3 up to 16 children for less than 24 hours per day. The number counted includes the family's natural, foster, or adopted children and all other persons under the age of 12.

"Guardian" means the guardian of the person of a minor.

"License" means a document issued by the Department of Children and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License study," as used in this Part, means the review of an application for license, on-site visit(s), interviews, and the collection and review of supporting documents to determine compliance with The Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the maximum number of day care children under age 12 permitted in the group day care home at any one time. Children age 12 and over on the premises are not considered in determining license capacity.

"Licensing representative" for the purposes of this Part, means those Department staff or other persons authorized under Section 5 of The Child Care Act of 1969 to examine facilities for licensure.

"Parent(s)," as used in this Part, means those person(s) assuming legal responsibility for care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit," as used in this Part, means a one-time only document issued by the Department of Children and Family Services for a six-month period to allow the individual(s) to become eligible for a license.

"Physician" means a person licensed to practice medicine in the State of Illinois.

"Premises" means the location of the group day care home wherein the family resides and includes the attached yard, garage, and any other outbuildings.

"Primary-basement-exit" means the preferred method of egress from the basement in an emergency. The primary means of exit may be: A-door that exits directly to the outside at grade level and which has no more than twelve interior steps leading to the door; A-window that exits directly to the outside at ground level which is operable from the inside without the use of tools, large enough to accommodate an adult; and which has not more than five interior steps leading to the window.

"Program" means all activities provided for the child(ren) during their hours of attendance in the home.

"Protected exit from a basement" means an exit which is separated from the remainder of the group day care home by barriers (such as walls,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

floors, or doors) providing one-hour fire resistance. The separation must be designed to limit the spread of fire and restrict the movement of smoke.

"Related" means any of the following relationships by blood, marriage, or adoption: parent, grandparent, great-grandparent, great-uncle, great-aunt, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, nephew, niece, or first cousin.

"Resource personnel" means physicians, nurses, psychologists, social workers, speech therapists, physical and occupational therapists, educators and other technical and professional persons whose expertise is utilized in providing specialized services to child(ren) with special needs.

"School age" means child(ren) six to twelve years of age and five year olds who are in full-day kindergarten.

"Special use areas" means areas of the home which may not be included in the measurement of the area used for child care. Special use areas include, but are not limited to, laundry rooms, furnace rooms, bathrooms, hazardous areas, and areas off-limits to children.

"Swimming pool," for purposes of this Part, means any natural or artificial basin of water intended for public swimming or recreational bathing which exceeds two feet six inches (2'6") in depth. The term includes bathing beaches and pools at private residences when used for children enrolled in a child care facility.

"Wading pool," for purposes of this Part, means any natural or artificial basin of water less than two feet six inches (2'6") in depth which is intended for recreational bathing, water play or similar activity. The term includes recessed areas less than two feet six inches in depth in swimming pools which are designated primarily for children.

(Source: Amended at 19 Ill. Reg. 2784, effective FEB 23 1995)

Section 408.30 General Requirements for Group Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to child(ren). 1) The home shall have a first aid kit consisting of band-aids, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap. 2) The kitchen shall be equipped with an operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

7) In one and two-family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas which the Office of the State Fire Marshal or local fire-inspector agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf states, in writing, that the combination of remote exits, fire detection, fire suppression, and/or automatic sprinkler system render the residence safe for the care of infants and toddlers.

8) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping. When the basement area may be used for child care, two exits shall be provided. At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway which allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than eight feet high. A second exit may be a window operable from the inside without the use of tools which provides a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. If the window is used as a second exit, the bottom of the window opening shall be not more than 44 inches above the floor. When the bottom of the window opening used as a second exit is more than 24 inches from the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency. If the basement area does not meet these exiting requirements, the basement may be used for day care only with the prior written approval of the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf. Basements which have been approved for day care use in currently licensed group day care homes are permitted one year from the effective date of these amendments to comply with these basement exiting requirements. At least one of which shall qualify as a primary basement exit if no basement exit qualifies as a primary basement exit, the applicant licensee may ask the local fire-inspector or the Office of the State Fire Marshal to inspect the basement, the local inspector or State Fire Marshal certifies that the basement is safe for the number and ages of children who will receive group day care services in the basement area, the basement shall be approved as an area suitable for group day care services.

9) All walls and surfaces shall be free from chipped or peeling paint. 10) Walls of rooms that children use shall be maintained free of lead paint.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

order. 3) Electrical outlets that are within reach of child(ren) under five years of age shall have protective coverings. There shall be no exposed or uninsulated wiring.

4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attic attics. and-basement. A smoke detector in operating condition shall be within fifteen (15) feet of rooms where child(ren) nap or sleep. The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling. In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story. Further, in any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detector(s) shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit (Section 2 of the Facilities Requiring Smoke Detectors Act (Ill. Rev. Stat. 1991, ch. 127-172, par. 022) [425 ILCS 10/2]. For purposes of this rule, "substantial remodeling" represents more than fifteen percent of the replacement cost of the group day care home. Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.

5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that day care is provided.

6) A facility in which a wood-burning stove or fireplace has been installed and which is used during the hours that day care is provided or in which a portable space heater is being utilized shall furnish a written statement certifying its safety from a building-inspector, heating-and-ventilating-contractor, local fire-inspector or the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf, certifying its safety. Such statement shall be provided upon initial application for licensure and subsequent applications for license renewal. In addition, the Department shall require such a certification of safety for any heating installation, appliance or device if it has reason to believe to be unsafe.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 12) Furniture and equipment shall be kept in safe repair.
- 13) First-aid supplies, medication, cleaning materials, poisons, and other hazardous materials shall be stored in places inaccessible to children.
- 14) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
- 15) Exit doors shall be kept clear of equipment and debris at all times.
- 16) There shall be an operable telephone available on the premises of the licensee.
- b) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. There shall be:
- 1) A minimum of 35 square feet of floor space for each child in care, and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after naptime.
- c) No person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving day care services. Nothing in this subsection prohibit smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided.
- d) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.
 - 4) When used for child care, basement floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
 - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate or other barrier to prevent the child(ren)'s access to the stairs without adult supervision.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- e) † The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and shall be reasonably safe from hazards.
- f) † Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be cleaned daily with a germicidal solution unless plastic liners are used and disposed of daily.
- g) † A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for infants.
- h) † Hot and cold running water shall be provided.
- i) † The group day care home shall provide one toilet for each ten (10) persons or portion thereof who are present during the hours the group day care home is in operation. These ten persons include caregiver(s), child care assistant(s), member(s) of the household and children other than those under 30 months of age for whom a potty chair is provided.
- j) † There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (one thousand feet) of the group day care home provided the caregiver or an adult assistant accompanies child(ren) to this outdoor area.
- k) † There shall be safe outdoor space for active play.
- 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
 - 2) Space shall be protected by physical means or by adult caregiver supervision against all hazards such as pools, traffic, and construction. Further, outdoor space shall be partitioned or supervised in such a manner that young child(ren) are not endangered by the activities of older child(ren).
 - 3) Play areas shall be well drained and safely maintained.
 - 4) In-ground or above-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 3 1/2 feet in height and secured by a locked gate.
 - 5) Portable wading pools shall be emptied daily and cleaned with a germicidal solution before being air-dried.
 - 6) If public parks or playgrounds are used for play, the child(ren) shall be closely supervised by the caregiver or adult assistant during play and while traveling to and from the area.
 - 7) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 below.
- l) † A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

other resident(s) or the owner(s) of the outdoor area authorizing the use of the space by the group day care home and the children cared for.

- m)† Insect and rodent control shall be maintained.
- l) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
- 2) Chemicals for insect and rodent control shall not be applied in areas accessible to children when children are present.
- n)† Healthy household pets which present no danger to children are permitted.
- 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the child(ren)'s health and that dogs and cats have been inoculated for rabies.
- 2) If certification is not available, animals shall be confined at all times in an area inaccessible to child(ren).
- 3) There shall be careful supervision of child(ren) who are permitted to handle and care for the animals.
- 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.

o)† The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its premises pose potential health or safety hazard(s) to the child(ren) cared for in the home.

p)† There shall be written plans for immediate evacuation in case of emergency. The evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route. Fire drills shall be conducted monthly for the purpose of removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in event of a tornado. Records shall be maintained of the dates and times required drills are conducted. The alphabetic card file required by subsection 408.120(c) shall accompany the caregiver during the drills.

q)† In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.

r)† Handguns are prohibited on the premises of the group day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.

s)† Any firearm, other than a handgun in the possession of a peace officer or other person as provided above, shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ammunition for such firearm(s) shall be kept in locked storage separate from that of the disassembled firearm(s), inaccessible to children.

t)† The operator of the group home shall notify the parent(s) or guardian of any child accepted for care that firearm(s) and ammunition are stored on the premises. The operator shall also notify the parent(s) or guardian that such firearms and ammunition are in locked storage inaccessible to children. Such notification need not disclose the location where the firearms and ammunition are stored (Section 7 of the Act).

u)† A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is both available and utilized by the group day care home as required by this Part.

v)† Operation of other business on the premises must not interfere with the care of children.

w)† A group day care home may not house bedridden or chronically ill persons except by permission of the Department. The Department shall grant such permission unless the person has a reportable contagious or communicable disease or requires care which adversely affects the ability of the caregiver to supervise child(ren).

(Source: Amended at 19 Ill. Reg. 27841 effective FEB 23 1995)

Section 408.40 Background Checks

a) No individual may receive a license from the Department when the applicant, an adult member of the household, or any individual who comes in regular and frequent contact with the children cared for in a day care home, or any employee of the day care home, has been determined to be a perpetrator of child abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act (4111-Rev--Stat-1991--ch--237--par--2059) [325 ILCS 5/3] and who has been identified through circuit court (juvenile, criminal, civil) proceedings as having been a perpetrator of child abuse or neglect based on any one of the following:

- 1) Death
- 2) Brain damage or skull fracture
- 3) Subdural injuries
- 4) Internal injuries
- 5) Wounds (Gunshot, knife, or puncture)
- 6) Torture
- 7) Sexually transmitted diseases
- 8) Sexual penetration

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 9) Sexual molestation
 10) Sexual exploitation
 11) Failure to thrive
 12) Malnutrition
 13) Medical neglect of disabled infant
- b) For the purposes of Section 408.40(a) identification through circuit court proceedings includes:
- 1) specific findings by a court that a certification abuse, neglect or dependency is the result of abuse or neglect inflicted by a parent, guardian or legal custodian or other person responsible for the certification welfare (as defined by Section 4 of the Abused and Neglected Child Reporting Act) [325 ILCS 5/4].
 - 2) criminal convictions and civil judgments regardless of the type of sentence imposed or amount of damages recovered for offenses relating to child abuse, child neglect or child sexual abuse resulting from jury trials, bench (court) trials or voluntary guilty pleas.
- c) Prior to denying an individual a license or employment pursuant to subsection (a), the Department shall notify by certified mail the individual that he or she has been identified as a perpetrator of child abuse or neglect as described in subsection (a) above, and the Department shall provide the individual an opportunity to demonstrate that he or she is not the individual identified in the court finding, criminal conviction or civil judgement.
- d) An individual requesting an opportunity for review pursuant to subsection (c) above shall submit such request, in writing, to the Department or the child care facility, as applicable, within ten (10) days of receipt of written notice of the Department's or child care facility's intent to deny a license or the Department's or child care facility's intent to deny employment. The individual shall be notified, in writing, of the date, time and location of the review. The individual may be represented by counsel of his or her choice, and may present evidence and/or witness(es) on his or her behalf. The individual shall be required to produce evidence that he or she is not the individual identified in the court finding, criminal conviction or civil judgement the Department has relied upon in making the identification.
 Evidence to be considered shall be limited to:
- 1) Fingerprints processed through the U.S. Justice Department and the Illinois Department of State Police indicating an absence of a conviction arising from child abuse or neglect identified in subsection (a) above; or
 - 2) Sworn statements from the law enforcement agency or clerk of the court upon whom the Department has relied for the identification that the subject of the report provided to the Department is not the individual seeking licensure or employment.
- e) Except as provided in subsection (a) above, a person determined to be

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- the perpetrator of an indicated incident of abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act shall not automatically be denied a license from the Department or be denied employment in a group day care home licensed by the Department. Rather, ~~the Department shall provide~~ the individual shall be given an opportunity to present evidence which demonstrates fitness for licensure or employment. Such evidence shall include, but not be limited to:
- 1) the nature of the abuse or neglect with which the individual was identified, including whether the abuse or neglect resulted in serious injury or death to a child or children;
 - 2) the circumstances surrounding the commission of the abuse or neglect, including the age of the perpetrator and the child(ren), that would demonstrate an unlikelihood of repetition;
 - 3) the period of time that has elapsed since the abuse or neglect occurred and whether prior incidents of child abuse or child neglect have been indicated against the individual;
 - 4) whether the abuse or neglect involved a single or multiple child victims;
 - 5) the relationship of the incident of child abuse or neglect to the individual's current or prospective responsibilities within the group day care home;
 - 6) evidence of rehabilitation such as employment, education, participation in therapy since the indicated incident(s) of abuse or neglect; and
 - 7) character references.
- f) Except as stated in subsection (a) above and Section 4.2 of the Child Care Act of 1969 [225 ILCS 10/4.2], an individual convicted of a crime will not automatically be prohibited from contact with child(ren) cared for in a group day care home solely because of the conviction. Instead, ~~the Department shall consider the following~~ the individual shall be given an opportunity to present evidence which demonstrates fitness for contact with children receiving day care. Such evidence shall include, but is not limited to:
- 1) the type of crime for which the individual was convicted;
 - 2) the number of crimes for which the individual was convicted;
 - 3) the nature of the offense(s);
 - 4) the age of the individual at the time of conviction;
 - 5) the length of time that has elapsed since the last conviction;
 - 6) the relationship of the crime and the capacity to care for children;
 - 7) evidence of rehabilitation; and
 - 8) character references.
- (Source: Amended FEB 23 1995 19 Ill. Reg. 2784, effective)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) The maximum number of children cared for in a group day care home shall be 16 children under the age of 12, including the caregiver's own children, related children, and unrelated children.
- b) Twelve (12) children between 3 and 6 years of age may be cared for by a caregiver and an assistant 18 years of age or older. The assistant must be present when more than six (6) such children are present.
- c) Except as provided by subsection (b) above, the number of children to be served in the group day care home at any one time (license capacity) when a caregiver and assistant are present shall be determined in accordance with the following:
- 1) No more than four (4) children under 15 months of age shall be cared for in a group day care home; and
 - 2) No more than six (6) children under 30 months of age shall be cared for in a group day care home of which no more than four (4) children may be under 15 months of age;
 - 3) No more than twelve (12) children under six (6) years of age shall be cared for in a group day care home of which no more than six (6) children may be under 30 months of age and four (4) under 15 months of age.
- d) A caregiver alone may care for:
- 1) A mixed age group consisting of:
 - A) Up to eight children under twelve years of age, of which
 - B) Up to five children may be under five years of age, of which
 - C) No more than three children may be under 24 months of age; or
 - 2) Up to eight pre-school children if no child is under age three;
 - 3) Up to twelve school age children as defined by Section 408.5.
- e) In addition to the children who may receive day care in accordance with the requirements above, a group day care home may accept four additional children who are attending school full-time if a part-time before and/or after school assistant is employed and the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf approves the group day care home for acceptance of the extended capacity and a fire clearance is obtained. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer. The assistant shall be present at all times when school children are present.
- f) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 16 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- g) When acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

groupings, the licensee may develop a transition plan which will be submitted to the licensing representative for review and approval. The plan may be approved when:

- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards, and
 - 2) At least one of the siblings has been in care for 30 days or more, and
 - 3) The transition plan will bring the home back into compliance with the established age groupings within six months of the date the plan is approved.
- h) Caregivers licensed as of the effective date of these amendments who are in full compliance with the standards of this Part may request in writing an increase in licensed capacity to the maximum. A decision regarding the increase in capacity shall be rendered within ninety days of receipt of the request. Decisions shall be made in accordance with the amended standards of this Part.

(Source: Amended at 19 Ill. Reg. 278, effective FEB 23 1995)

Section 408.105 Children Under 30 Months of Age

- a) Children under 30 months of age shall not be permitted in bathrooms, kitchens, or hazardous areas without the caregiver or assistant present.
- b) Children under 30 months of age shall be provided a daily program that is designed to meet their needs.
 - 1) The caregiver(s) shall demonstrate warm, positive feelings toward each child through actions such as hugging, patting, smiling, and cuddling.
 - 2) Routines such as naps and feedings shall be discussed with the parents and shall be consistent with the child's routine at home.
 - 3) Non-mobile children who are awake shall be moved to different positions and shall be held, rocked, and carried about.
 - 4) The caregiver(s) shall frequently change the place, position, and toys available for children who cannot move about the room.
 - 5) Consistent toilet training shall be undertaken at a time mutually agreed upon by parent(s) and caregiver in accordance with the child's age and/or stage of development.
 - 6) Child(ren) shall be taken outdoors for a portion of every day, when weather permits, except when the child is ill or unless indicated otherwise by parent(s) or physician.
- c) Feeding schedules and procedures shall meet the developmental needs of the child(ren).
 - 1) Flexible feeding schedules of children shall be established to coordinate with parent(s) schedules at home and to allow for nursing.
 - 2) To avoid sudden infant death syndrome, children who

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

cannot turn over alone shall be placed on their sides or backs when put down to sleep ~~abdomens---after---feeding~~ unless contraindicated by a physician. Placing children on their abdomens for any reason shall be avoided unless specifically instructed by the child's physician to do so.

- 3) Children up to 6 months of age shall be held while being bottle-fed. Children of more than 6 months may be held, if needed. Bottles shall not be propped at any time. When children are old enough to hold their own bottle, they may feed themselves without being held. The bottle must be removed when the child has fallen asleep.
- 4) Children shall be allowed and encouraged to feed themselves when they indicate a readiness to do so.
- 5) Safe finger foods such as those which dissolve in the month may be provided.
- d) Proper standards of hygiene shall be observed in the home.
 - 1) Hands shall be washed and dried before the feeding of each child.
 - 2) If the child's formula is brought in by the parent, it shall be labeled and refrigerated.
 - 3) All utensils shall be washed after each use.
 - 4) Foods stored or prepared in jars shall be served from a separate dish for each child. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the child's name, dated, refrigerated, and served within 24 hours or discarded.
 - 5) A toilet shall be easily accessible so that the contents of reusable diapers may be disposed of before placing the diapers in the diaper pail. Disposable diapers and their contents shall be disposed of in accordance with the manufacturer's instructions.
 - 6) Person(s) changing diapers shall wash hands under running water with soap after each change of diaper. Hands shall be dried with single-use towels. Additionally, disposable latex, rubber or plastic gloves shall be worn when changing a child who has watery or bloody stools.
 - 7) The child whose diapers are being changed is to be washed on the hands and anal area if there has been defecation or if irritation is present.
 - 8) Children who are not toilet trained shall be diapered in their own cribs, at a central diapering area on a surface that is sanitized after each use, or on a disposable paper sheet which is disposed of after each diapering.
 - 9) The toilet seat, if soiled, or potty shall be cleaned after every use.
 - 10) Soiled diapers shall be changed promptly.
 - 11) Sheets shall be changed when soiled, and all sheets shall be changed routinely two times per week.
 - 12) All beds shall be wiped clean as often as necessary.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 13) Toys and equipment shall be kept clean.
- e) A germicidal solution of one (1) part household chlorine bleach to nine (9) parts water or other germicidal solution approved by the Centers for Disease Control shall be used to clean surfaces soiled by blood or body fluids. The bleach solution shall be made fresh daily.
- f) The equipment must be appropriate to the developmental needs of the children in care.
 - 1) Safe, sturdy, well-constructed individual cribs, playpens, or port-a-cribs for infants shall be equipped with good firm, fitting mattresses made of water proof materials that can be washed. Washable cots may be used for children 15 months of age and over.
 - 2) Sleeping equipment for children under 15 months must have protection to prevent falls.
 - 3) There shall be no more than one-and-one-half inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.
 - 4) Bed linens used on the cots, cribs, or playpens shall be safe, tightly fitting, and washable.
 - 5) Conveniently located, washable, plastic-lined covered receptacles shall be provided for soiled diapers and linens.
 - 6) A toilet seat or potty shall be provided.
 - 9) The materials must be appropriate to the developmental needs of the child in care.
 - 1) Provision shall be made for an adequate supply of individual diapers, clothing, powder, oil, etc.
 - 2) Cribs shall be equipped with brightly colored hanging toys or mobiles.
 - 3) There shall be a variety of toys and art materials for children under 30 months of age to observe, grasp, pick up, and manipulate.
 - 4) Pull toys, pounding toys, large hollow blocks, or large balls shall be available for development of large muscles.
 - h) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to children under 30 months of age. Hazardous or injurious characteristics include sharp, rough edges; toxic paint; and objects small enough to be swallowed.

(Source: Amended 19 Ill. Reg.)

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ILLINIOS COMMERCE COMMISSION

ILLINIOS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Standards of Service for Electric Utilities
 2) Code Citation: 83 Ill. Adm. Code 410

Section 410.460(d): change "of each year following a year which commences more than thirty-six months after the effective date of this Part" to "2000 and June 1 of each succeeding year".

Section Numbers:	Adopted Action:
410.410	New Section
410.420	New Section
410.430	New Section
410.440	New Section
410.450	New Section
410.460	New Section
410.470	New Section
410.480	New Section
410.490	New Section
TABLE A	

Section 410.460(e): change "less than thirty-six months after the effective date of this Part on which the Commission adopts Section 410.450(a)" to "before April 1, 1998".

Section 410.460(e): change "more than thirty-six months after the date on which the Commission adopts Section 410.450(a)" to "after April 1, 1998".

Section 410.480(b): change "Utility" to "utility".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace emergency amendments currently in effect? No.

4) Statutory Authority: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301 and 10-101].

14) Are there any amendments pending on this Part? No.

5) Effective Date of Amendments: April 1, 1995

15) Summary and Purpose of Amendments: These amendments establish a system for the collection of information from electric utilities concerning interruption of electric utility service and the reliability of electric utility service generally.

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

16) Information and questions regarding these adopted amendments shall be directed to:

8) Date Filed in Agency's Principal Office: February 8, 1995

9) Notice of Proposal Published in Illinois Register: September 30, 1994, at 18 Ill. Reg. 14521.

Conrad Rubinkowski
 Illinois Commerce Commission
 527 East Capitol Avenue
 P.O. Box 19280
 Springfield, IL 62794-9280
 (217)785-8439

10) Has JCAR issued a Statement of Objections to these amendments? No.

11) Difference(s) between proposal and final version:

Section 410.420(e): change "Electric Service" to "electric service".

Section 410.450(b): change "the first calendar year commencing more than thirty-six months after the effective date of this Part" to "January 1, 1999".

Section 410.460(a): change "Utility" to "utility".

Section 410.460(b)(2): change "less than thirty-six months after the effective date of this Part" to "before April 1, 1998".

Section 410.460(c): change "of" to "after".

The full text of the Adopted Amendments begins on the next page:

ILLINIOS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

ILLINIOS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

Purpose of Subpart C
Definitions of Terms in Subpart C
Applicability of Subpart C
Reliability Policy

PART 410
STANDARDS OF SERVICE FOR ELECTRIC UTILITIES

SUBPART A: GENERAL

- Section 410.10 Authorization
- 410.20 Application
- 410.30 Exemptions or Deviations in Particular Cases
- 410.40 Saving Clause

- 410.410 Purpose of Subpart C
- 410.420 Definitions of Terms in Subpart C
- 410.430 Applicability of Subpart C
- 410.440 Reliability Policy
- 410.450 Record-Keeping Requirements
- 410.460 Notice and Reporting Requirements
- 410.470 Interruption Cause Categories
- 410.480 Reliability Review
- 410.490 Modification or Exemption

TABLE A

Causes of Interruptions

AUTHORITY: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301 and 10-101].

SUBPART B: STANDARDS OF SERVICE

- Section 410.110 Records and Reports
- 410.120 Meter Records
- 410.130 Customer Meter Test Records
- 410.140 Station Records
- 410.150 Complaints
- 410.160 Interruptions of Service
- 410.170 Location of Meters
- 410.175 Separate Metering
- 410.180 Testing Facilities and Equipment
- 410.190 Customer Meter Test Loads
- 410.200 Customer Watthour Meter Accuracy Requirements
- 410.210 Customer Demand Meter Accuracy Requirements
- 410.220 Initial Tests
- 410.230 Periodic Test of Customer Meters
- 410.240 Meter Tests Requested by Customer
- 410.250 Commission Referee Tests
- 410.260 Adjustments of Bills for Meter Error
- 410.270 Installation Inspections
- 410.280 Voltage Regulation
- 410.290 Voltage Surveys
- 410.300 Standard Frequency
- 410.310 Grounding of Secondaries
- 410.320 Service Drops
- 410.330 Extension of Lines in Urban Area
- 410.340 Extension of Lines in Rural Areas
- 410.350 Information to Customers
- 410.360 Information to REAPP Customers (Repealed)

TABLE A

Causes of Interruptions

SOURCE: Effective August 1, 1948; amended at 5 Ill. Reg. 6805, effective June 12, 1981; codified at 8 Ill. Reg. 12183; amended at 10 Ill. Reg. 148, effective December 23, 1985; amended at 11 Ill. Reg. 8964, effective May 1, 1987; emergency amendment at 13 Ill. Reg. 16563, effective October 10, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 3454, effective March 1, 1990; amended at 16 Ill. Reg. 2544, effective February 1, 1992; amended at 19 Ill. Reg. 2804, effective APR 01 1995.

SUBPART C: ELECTRIC SERVICE RELIABILITY POLICY

Section 410.410 Purpose of Subpart C

The Illinois Commerce Commission ("Commission") has designed the electric service reliability policy to establish:

- a) Reporting requirements to help the Commission gather information on electric service reliability for each electric utility in the State of Illinois; and
- b) A procedure for review of information and data on electric service reliability to determine if the Commission should adopt electric service reliability standards and, if so, the appropriate provisions to include in such standards.

(Source: APR 01 1995 at 19 Ill. Reg. 2804, effective

Section 410.420 Definitions of Terms in Subpart C

For purposes of this Subpart, the following definitions shall apply:
a) "Customer" is a dwelling, business, or other location where electric service is provided. If more than one billing account exists at one location (e.g., two tenants at the same address), each active billing

SUBPART C: ELECTRIC SERVICE RELIABILITY POLICY

ILLINIOS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

account is considered a customer. A customer can have one or more meter points (or service points) at a given location. If multiple meter points (or service points) exist at the location, interruption of any meter point (or service point) constitutes an interruption to the customer.

- b) "Distribution circuit interruption" is an interruption originating at a point which is between the circuit interrupting device at the substation and the distribution transformer.
- c) "Electric service" means the availability of electric power at the point of connection between utility equipment and customer equipment.
- d) "Electric utility" or "utility" means a public utility, as defined by Section 3-105 of the Public Utilities Act ("Act") [220 ILCS 5/3-105], providing electric service to customers in Illinois.
- e) "Interruption" means the loss by one or more customers of electric service for a period longer than one minute in duration and requiring human intervention by the utility to restore electric service. This definition specifically excludes occurrences of the loss of electric service when automatic switches, automatic line reclosing devices, or other automatic utility devices successfully restore electric service.

In addition, the term "interruption" shall not include the following:
1) Interruptions intentionally initiated by a utility and affecting only those customers taking electric service pursuant to the provisions of an interruptible service tariff or contract approved by the Commission;

- 2) Interruptions intentionally initiated by a utility for nonpayment of a bill and according to the provisions of Sections 8-201, 8-202, 8-203, 8-204, 8-205 and/or 8-206 of the Act, and 83 Ill. Adm. Code 280;
- 3) Interruptions intentionally initiated by a utility due to tampering with service equipment;
- 4) Interruptions intentionally initiated by a utility due to its being denied access to service equipment located on the affected customer's private property;
- 5) Interruptions intentionally initiated by a utility due to hazardous conditions located on the affected customer's private property (such as a fire);
- 6) Interruptions intentionally initiated by a utility due to a request by the affected customer; and
- 7) Interruptions intentionally initiated by a utility due to a request by a valid law enforcement agency, fire department, or other governmental agency responsible for public welfare. In addition, scheduled interruptions initiated by a utility for repair or maintenance shall not be included among the interruptions used to calculate the reliability indices. For all other purposes under this Reliability Policy, including, but not limited to, the reporting requirements under Section 410.460, the term "interruption" shall include scheduled interruptions initiated by a utility for repair or maintenance.

f) "Interruption duration" means a period of time measured to the nearest one-minute increment, which starts when a utility is notified or becomes aware of an interruption, unless a utility can determine a more precise estimate of the actual starting time of an interruption, and ends when a utility restores electric service.

g) "Operating Area" means the utility's internal and then most current geographical segregation of its service territory for its electrical transmission and distribution operations.

h) "Reliability Indices" are as follows:

- 1) "System Average Interruption Frequency Index (SAIFI)" is the average number of interruptions per customer during the year. It is calculated by dividing the total annual number of interruptions by the average number of customers served during the year.
- $$SAIFI = \frac{\text{Number of Customer Interruptions}}{\text{Average Number of Customers Served}}$$

2) "Customer Average Interruption Duration Index (CAIDI)" is the average interruption duration for those customers who experience interruptions during the year. It is calculated by dividing the annual sum of all customer interruption durations by the total number of interruptions.

$$CAIDI = \frac{\text{Sum of all Interruptions Durations}}{\text{Number of Interruptions}}$$

3) "Customer Average Interruption Frequency Index (CAIFI)" is the average number of interruptions for those customers who experience interruptions during the year. It is calculated by dividing the total annual number of interruptions by the total number of customers affected by interruptions. In determining the total number of customers affected, each customer is counted only once regardless of the number of interruptions that the customer may have experienced during the year.

$$CAIFI = \frac{\text{Number of Interruptions}}{\text{Number of Customers Affected}}$$

i) "Worst-performing circuits" are those circuits which, for each reliability index, are among the one percent of all circuits in an operating area (or at least one circuit for each reliability index) with the highest achieved values (lowest performance levels) for the reliability index. For the purpose of identifying worst-performing circuits, only distribution circuit interruptions (as defined in Section 410.420(b)) and customers affected by such interruptions shall be considered in calculating the reliability indices.

ILLINIOS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 19 Ill. Reg. 2804, effective APR 01 1995)

Section 410.430 Applicability of Subpart C

The electric service reliability policy is applicable to every electric utility, as defined in Section 410.420(d), which serves more than 15,000 customers in Illinois.

(Source: Added at 19 Ill. Reg. 2804, effective APR 01 1995)

Section 410.440 Reliability Policy

Each utility shall provide service and facilities which, in accordance with Section 8-401 of the Act, are in all respects adequate, efficient, reliable and environmentally safe and which, consistent with these obligations, constitute the least-cost means of meeting the utility's service obligations. Insofar as would be consistent with the utility's obligations to provide efficient, safe and least-cost service, each utility shall strive to prevent interruptions of electric service and, when such interruptions occur, restore electric service within the shortest reasonable time.

(Source: Added at 19 Ill. Reg. 2804, effective APR 01 1995)

Section 410.450 Record-Keeping Requirements

a) Required records. Except as provided in subsection (b) below, utilities shall maintain, for the most recently preceding five year period, the following records:

1) Records sufficient to determine a history of electric service interruptions experienced by each customer at the customer's current location. The records shall be sufficient to determine the following information for each interruption:

- A) Starting date;
- B) Starting time;
- C) Interruption duration;
- D) Cause;
- E) Operating area of the affected circuit(s);
- F) Circuit number(s) of the affected circuit(s);
- G) Number of customers affected;
- H) Service account number of each customer affected; and
- I) Address of each affected customer location.

2) Records showing, for each circuit, the total number of customers served by the circuit at the end of each year.

b) Periods for which records are not required. Utilities need not maintain records reflecting the information identified in subsection

ILLINIOS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

a) above, for any period prior to calendar year 1994. In addition, any utility which, as of January 1, 1994, does not have the technical capability to collect and record some or all of the information identified in subsection (a) above, need not maintain records reflecting such information for any period prior to January 1, 1999.

(Source: Added at 19 Ill. Reg. 2804, effective APR 01 1995)

Section 410.460 Notice and Reporting Requirements

a) Telephone or facsimile notice. A utility must provide notice by telephone or by facsimile transmission to the Consumer Services Division of the Commission when any single event (e.g., storm, tornado, equipment malfunction, etc.) causes interruptions for 10,000 or more of the utility's customers for three hours or more. After such interruptions have continued for three hours, a utility must provide notice within one hour when the notice would be provided during normal business hours, or within the first hour of the next business day. To the extent that data and information are known, such notice shall include the following:

- 1) A reasonable estimate of the number of customers the interruption affects;
- 2) Starting date;
- 3) Starting time;
- 4) Interruption duration;
- 5) Location, described as precisely as possible in generally recognized and geographically oriented terms such as street address, subdivision, or community;
- 6) Cause;
- 7) The date and time when the utility expects to restore electric service; and
- 8) The name and telephone number of a utility representative the Commission Staff can contact for more information about the interruption.

b) Annual report. On or before June 1 of each year, each utility shall file with the Chief Clerk of the Commission an Annual Report which includes the following information:

- 1) A general assessment of electric service reliability in the utility's service territory. (The assessment shall include a review of programs the utility uses to provide reliable service; the cost of such programs; a description of new programs or changes to existing programs which the utility is considering for the future; and any other information the utility deems relevant to electric service reliability in its service territory.);
- 2) A table showing the achieved level of each of the reliability indices for each operating area of the utility for the preceding calendar year (provided, however, that for any reporting period

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

identify the circuit involved for each customer by a unique circuit number assigned by the utility. Each customer included in such a list shall be identified by a unique number assigned by the utility and not that customer's name and/or account number.); and

2) A list showing the 0.1 percent of the utility's customers or 100 customers, whichever is smaller, with the largest number of interruption duration hours during the prior year. (The list shall include the number of interruption duration hours experienced by each customer, and identify the circuit involved for each customer by a unique circuit number assigned by the utility. Each customer included in such a list shall be identified by a unique number assigned by the utility and not that customer's name and/or account number.);

e) For any reporting period commencing before April 1, 1998, if the actual value of any component needed to compute the information required by subsections (b)(2) and/or (b)(3) above is not available, utilities shall use reasonable estimates of such components. For any reporting period commencing after April 1, 1998, utilities may rely upon reasonable estimates of any components needed to compute the information required by subsections (b)(2), (b)(3), (c) and/or (d) above in the event that weather-related interruptions or other circumstances render the use of actual data impracticable or cost-ineffective. When a utility relies upon such reasonable estimates, the utility shall identify the data which is estimated data and explain the circumstances requiring the use of estimated data. Upon request of the Commission Staff or a customer, the utility also shall furnish an explanation of the method or methods used to generate the estimated data.

(Source: Added at 19 Ill. Reg. 2804, effective April 01 1995)

Section 410.470 Interruption Cause Categories

In adhering to the interruption recordkeeping and reporting requirements set forth in Section 410.450 and Section 410.460, each utility shall classify and report on the cause of each interruption using the cause categories and interruption code descriptions given in Table A of this Part.

(Source: Added at 19 Ill. Reg. 2804, effective April 01 1995)

Section 410.480 Reliability Review

a) After all utilities have filed the third Annual Report required by Section 410.460(b), the Commission may elect to initiate a proceeding for the purpose of deciding whether to adopt electric service

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

commencing before April 1, 1998, utilities will not be required to report the CAIFI reliability index as defined in Section 410.420(h)(3));

3) A list showing the worst-performing circuits for each operating area of the utility. (The designation of circuits as "worst-performing circuits" shall not, in and of itself, be deemed to constitute a violation of the Act or any Commission order, rule, direction, or requirement.);

4) A statement of the operating and maintenance history of circuits designated as worst-performing circuits; a description of any action taken or planned to improve the performance of any such circuit (which shall include information concerning the cost of such action); and a schedule for completion of any such action. (The utility may decide, based on cost considerations or other factors, that it should take no action to improve the performance of one or more circuits designated as worst-performing circuits. If the utility decides to take no action to improve the performance of one or more circuits designated as worst-performing circuits, the utility shall explain its decision in its Annual Report.);

5) A discussion of the status of actions which the utility indicated in prior Annual Reports that it would take to improve electric service reliability; and

6) The name, address and telephone number of a utility representative who can be contacted for additional information regarding the Annual Report.

c) Customer report. A utility shall, upon request made by a customer of the Consumer Services Division of the Commission, provide to the customer and/or the Consumer Services Division, within thirty days after the request, a report on all interruptions which the customer making the request or subject to the Consumer Service Division's request has experienced at the customer's current service location during the most recently preceding five calendar years. The report shall identify for each interruption the information specified in Section 410.450(a)(1)(A)-(D). Notwithstanding the provisions of this subsection, a utility is not required to report data pursuant to this section which Section 410.450(b) does not require a utility to maintain. This subsection does not alter the provisions of 83 Ill. Adm. Code 200 and 280 which relate to informal and formal complaint procedures.

d) Staff Report. On or before June 1, 2000 and June 1 of each succeeding year, each utility shall submit to the Program Director of the Consumer Services Division of the Commission a report which includes the following information:

1) A list showing the 0.1 percent of the utility's customers or 100 customers, whichever is smaller, with the largest number of interruptions during the prior year. (The list shall include the number of interruptions experienced by each customer, and

ILLINIOS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

ILLINIOS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

reliability standards and, if so, the appropriate provisions for such standards. In determining whether to adopt electric service reliability standards and, if so, the appropriate provisions for such standards, the Commission shall, at a minimum, consider the following:

- 1) Information submitted pursuant to Section 410.460;
- 2) The nature and cost of programs that utilities have designed to maintain and improve electric service reliability;
- 3) The nature and cost of the utilities' interruption data record-keeping and reporting capabilities;
- 4) Information developed from surveys designed to learn whether customers believe that utilities should improve the level of electric service reliability and, if so, whether customers are willing to pay rates which reflect the associated costs; and
- 5) Testimony on the subject of electric service reliability submitted in Commission proceedings.

b) The Commission may elect to initiate an investigation of a utility to determine whether the utility provides electric service consistent with the reliability policy set forth in Section 410.440. Based on the record developed in such an investigation, the Commission may enter an order requiring a utility to take such corrective action as the Commission deems necessary to improve the electric service reliability of the utility.

(Source: Added at 19 Ill. Reg. 2804, effective APR 01 1995)

Section 410.490 Modification or Exemption

a) Any utility may file an application requesting modification of or exemption from any Section of this Subpart as such Section applies to the utility filing the application. For good cause shown, the Commission may grant such a request for modification or exemption. A petition for exemption or modification shall be filed pursuant to 83 Ill. Adm. Code 200 and shall set forth specific reasons and facts in support of the requested exemption or modification.

- b) In determining whether good cause has been shown, the Commission shall consider, among other things:
- 1) The extent to which circumstances beyond the control of the utility have made compliance with the applicable Section extremely difficult;
 - 2) Whether the utility has made a good faith effort to comply with the applicable Section in a timely fashion; and
 - 3) Whether other information, which the utility would provide if the waiver is granted, permits the Commission Staff to review the subject filing in a complete, timely and meaningful manner.

(Source: Added at 19 Ill. Reg. 2804, effective APR 01 1995)

ILLINIOS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

Section 410. TABLE A Causes of Interruptions

Interruption Cause Categories Interruption Code Description

<u>Utility/Contractor Personnel-Errors</u>	<u>Unclassified Error</u>
	<u>Switching Error</u>
	<u>Accident by Utility</u>
	<u>Testing Error</u>
	<u>Dig-In by Utility</u>
	<u>Accident by Utility Contractor</u>
<u>Customer</u>	<u>Dig-In by Utility Contractor</u>
	<u>Overload</u>
	<u>Customer Equipment</u>
<u>Public</u>	<u>Foreign Object</u>
	<u>Fire</u>
	<u>Vandalism</u>
	<u>Accident by Others</u>
	<u>Dig-In by Others</u>
	<u>Lightning</u>
	<u>Wind</u>
	<u>Ice</u>
	<u>Sub-Zero Cold</u>
	<u>Flooding</u>
	<u>Wildlife</u>
	<u>Tree Contact</u>
	<u>Limb Broken</u>
	<u>Contamination</u>
	<u>Malfunction</u>
	<u>Broken Fuse Link</u>
	<u>Underground Failure</u>
	<u>Contamination</u>
	<u>Malfunction</u>
	<u>Initiated by Utility for Maintenance or Repair</u>
	<u>Contamination</u>
	<u>Malfunction</u>
	<u>Unknown</u>
	<u>None/Other</u>

Weather Related

Animal Related
Tree Related

Overhead Equipment Related

Underground Equipment Related

Scheduled

Station Equipment Related

Unknown
Other

(Source: Added at 19 Ill. Reg. 2804, effective APR 01 1995)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Numbers: Adopted Action:
1501.303 Amendment
1501.508 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 122, pars. 102-1 et seq., pars. 103-1 et seq., and par. 106-5.3 [110 ILCS 805/2-1 et seq., 805/3-1, and 6-5.3]

5) Effective Date of Amendments: February 21, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do the Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 17, 1994

9) Notice of Proposal Published in Illinois Register: September 9, 1994, 18 Ill. Reg. 13562

10) Has JCAR issued a Statement of Objections to the Amendments? No

11) Differences between proposal and final version: Several minor typographical changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.

13) Will the Amendment replace an emergency rule currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendment: The amendments are designed to coordinate the community colleges' program review process with the annual statewide follow-up study of occupational program completers and the reporting requirements for accountability and cost-effectiveness initiatives.

16) Information and questions regarding this adopted amendment shall be directed to:

Zachariah Mathew

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

Special Assistant for Fiscal Affairs
Illinois Community College Board
509 South Sixth Street, Room 400
Springfield, Illinois 62701-1874
(217) 785-0015 (voice)
(217) 782-5645 (TDD)

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section	
1501.101	Definition of Terms
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of ICCB (Recodified)
1501.109	Appearance at ICCB Meetings
1501.110	Appeal Procedure
1501.111	Reporting Requirements (Repealed)
1501.112	Certification of Organization (Repealed)
1501.113	Administration of Detachments and Subsequent Annexations
1501.114	Recognition

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section	
1501.201	Reporting Requirements
1501.202	Certification of Organization
1501.203	Delineation of Responsibilities
1501.204	Maintenance of Documents or Information
1501.205	Recognition Standards (Repealed)

SUBPART C: PROGRAMS

Section	
1501.301	Definition of Terms
1501.302	Units of Instruction, Research, and Public Service
1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

SUBPART D: STUDENTS

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

Section	
1501.401	Definition of Terms
1501.402	Admission of Students
1501.403	Student Services
1501.404	Academic Records
1501.405	Student Evaluation
1501.406	Reporting Requirements

SUBPART E: FINANCE

Section	
1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Nonresident Student Tuition Calculations
1501.506	Published Financial Statements
1501.507	Credit Hour Grants
1501.508	Special Populations Grants
1501.509	Workforce Preparation Grants
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Grants
1501.516	Capital Renewal Grants
1501.517	Retirees Health Insurance Grants
1501.518	Uncollectible Debts

SUBPART F: CAPITAL PROJECTS

Section	
1501.601	Definition of Terms
1501.602	Approval of Capital Projects
1501.603	State Funded Capital Projects
1501.604	Locally Funded Capital Projects
1501.605	Project Changes
1501.606	Progress Reports (Repealed)
1501.607	Reporting Requirements
1501.608	Approval of Projects in Section 3-20.3.01 of the Act
1501.609	Completion of Projects Under Section 3-20.3.01 of the Act
1501.610	Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

Section	
1501.701	Definitions of Terms
1501.702	Applicability
1501.703	Recognition

ILLINOIS COMMUNITY COLLEGE BOARD

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- 1501.704 Programs
- 1501.705 Finance
- 1501.706 Personnel
- 1501.707 Facilities

SUBPART H: PERSONNEL

- Section
- 1501.801 Definition of Terms
- 1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, pars. 102-1 et seq., pars. 103-1 et seq., and par. 106-5.3) [110 ILCS 805/Arts. 2 and 3, and 6-5.3].

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989; for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 15, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 18 Ill. Reg. 2816.

Section 1501.303 Program Requirements

- a) Comprehensive Program. The programs of each college shall be comprehensive and shall include: pre-baccalaureate, occupational, and general studies curricula, and public service programs.
- b) Degrees and Certificates. A college shall award associate degrees and certificates in accordance with units of instruction approved by the ICCB. This authority is not extended to administrative units of the college.
- c) Honorary Degrees. Honorary degrees awarded by a Board shall be limited to the associate degree.
- d) Review and Evaluation of Programs.
 - 1) Each college shall have and implement a systematic, college-wide program review and evaluation process for evaluating all of its both instructional, student services, and academic support programs and student and supporting services on at least once within a five-year cycle. If the college's special circumstances indicate a longer cycle would be beneficial, the college may request an exception by submitting an explanation of the special circumstances and the college's plan for program review based on a longer cycle to the ICCB. The ICCB will grant the exception when a longer evaluation cycle had been established previously to FY-1984 or if the college has more than ten (10) programs to evaluate. A written response to the request for exception will be submitted to the college within thirty (30) days of receipt of the request.
 - 2) The minimum review criteria for program review shall be program need, program cost, and program quality, as defined by each college.
 - 3) Each college shall develop a schedule that shows when each program will be reviewed during each five-year cycle. Occupational programs shall be scheduled in the year following their inclusion in the ICCB follow-up study unless the college obtains an exception in writing from the ICCB. The review of general education objectives of the academic programs shall be scheduled annually, but may focus each year on areas specified by the Illinois Board of Higher Education and ICCB. Each college shall keep on file a copy of the process adopted and individual program review for ICCB-Recognition purposes.
 - 4) The ICCB may request the college to include special reviews of programs that have been identified as a result of State-level analyses, legislative resolutions, or Illinois Board of Higher Education policy studies by notifying the college of this request prior to January 1 of the year the special review is to be conducted. Each college shall submit to ICCB a list of programs to be reviewed in the following year and a summary report of the previous year's program review results by August 1 each year.
 - 5) Each college shall keep on file for ICCB recognition purposes a copy of its current program review process, its five-year schedule for program review, and complete reports of program

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

reviews conducted during the past five years.

6) Each college shall submit to the ICCB by August 1 each year a summary report of its previous year's program review results in a format designated by the ICCB and a copy of its current five-year schedule of program reviews.

e) Academic Calendar. A college shall operate on an academic calendar which provides at least two academic terms consisting of at least 15 weeks (at least 75 days of instruction each), three academic terms consisting of at least 10 weeks (at least 50 days of instruction each) or a different combination of academic terms consisting of at least 30 weeks (at least 150 days of instruction).

- 1) The days of instruction prescribed in subsection (e) above shall include all days when there is a full schedule of classes and support services but will exclude holidays, Saturdays, Sundays, and days scheduled exclusively for registration, orientation, college-wide placement or assessment testing, faculty workshops, and final examinations.
- 2) Colleges may include terms during the summer or any other time during the year, in addition to the ones identified in subsection (e).
- 3) Courses/classes may be scheduled between academic terms, spanning academic terms, for a shorter time frame than the academic term, or for a longer time frame than the academic term, if the schedule provides sufficient duration and contact hours to meet the requirements in Sections 1501.309(b) and 1501.507(b)(10).
- 4) If an emergency such as a fire, flood, or strike makes it necessary for the college to shorten one of its academic terms, the college may request the ICCB Executive Director to approve a shorter term. In such cases, the length of the term may be shortened, but only to the extent that enables all courses to meet the contact hours specified in Section 1501.309(b).
- 5) If a college entered into a contract with its faculty regarding the length of the academic calendar in compliance with subsection (e) prior to the effective date of this revision, it may continue to operate under the provisions of that contract until that contract is renegotiated or expires.
- f) Preparation of Professional Staff. Professional staff shall be educated and prepared in accordance with generally accepted standards and practices for teaching, supervising, counseling and administering the curriculum or supporting system to which they are assigned. Such preparation may include collegiate study and professional experience. Graduate work through the master's degree in the assigned field or area of responsibility is expected, except in such areas in which the work experience and related training is the principal learning medium.
- g) Library. Each college shall maintain a library or learning resource center with a collection of reference works and other learning resources to meet the specific needs of its curricula and students. This collection shall be kept up to date through a planned program of

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

- acquisition and deletion.
- h) Supplies and Equipment. Classrooms, laboratories, and shops shall be provided with equipment and supplies which are adequate for effective teaching and learning.
- i) General Education. Organized curricula leading to an associate degree shall include general education courses designed to contribute to the liberal education of each student.
- j) Apprenticeships. A college which participates in apprenticeships coordinated by the Bureau of Apprenticeship Training, U. S. Department of Labor and/or other programs related to business, industrial, or trade groups or organizations shall meet applicable federal, state, and local governmental rules, regulations, and guidelines.
- k) Examination of Patriotism, Principles of Representative Government, Proper Use and Display of the American Flag, and Method of Voting. The examination on American patriotism, principles of representative government, proper use and display of the American flag, and the Australian ballot voting system may be satisfied in one of the following ways:
- 1) The student may pass an appropriate examination at the college;
 - 2) The student may complete, with a passing grade, a specified course that includes all subject matter identified above; or
 - 3) The college may accept evidence that the student has met the examination requirement in his/her high school in Illinois, as long as the meeting of the requirement is clearly identified on the high school transcript or the Illinois High School Equivalency Test Program certificate. Such evidence authorizes the college to make a similar notation on the student's transcript.

(Source: Amended at 18 Ill. Reg. 2816, effective FEB 21 1995)

Section 1501.508 Special Populations Grants

- a) Special populations grant funds shall be allocated annually to each Illinois public community college district in accordance with Section 2-16.02 2-16 of the Act.
- b) Special populations grant funds shall be accounted for in a restricted purposes fund.
- c) The following are allowable expenditures for special populations grant funds:
 - 1) Personnel. Salaries and benefits for courses and services provided only to special populations students.
 - A) Tutors, both student and professional.
 - B) Counselors and paraprofessional counselors who spend a minimum of fifty (50) percent of their time working with special populations students.
 - C) Adult basic/secondary and remedial education instructors,

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

not to exceed thirty (30) percent of the total special populations grant per district.

- D) Direct support service personnel for assistance to students with disabilities, e.g., readers, notetakers, and drivers.
- E) Professional and paraprofessional staff who provide outreach services and special retention programs designed for special populations students and who administer testing and assessment of special populations students.
- 2) Testing and Assessment Materials. Includes materials, fees, and cost of test administration for testing and assessment of special populations students and testing of entering students to identify special populations students. ~~Testing and assessment materials used to identify special populations students.~~
- 3) Instructional and Informational Materials. Books, ~~media packages such as~~ computer software, informational brochures, pamphlets, and publications ~~testing and evaluation materials~~ provided only to special populations students or to promote special populations programs.
- 4) Instructional Equipment. Lease or purchase of, e.g., tape recorders, small computers, and readers, and other assistive technology provided only to special populations students.
- 5) Travel related only to special populations student needs and activities for both college personnel and students.
- A) Special populations student activities such as field trips and student transportation.
- B) Conference expenses related directly to special populations grant activities.
- 6) Staff development expenditures for special populations grant personnel and outside consultants.
- 7) The following special populations grant administrative expenditures related only to special populations grants. The total administrative expenditures may not exceed thirty (30) percent of the total special populations grant per district.
- A) Administrative salaries.
- B) Office staff salaries.
- C) Office equipment.
- D) Consumable supplies.
- BE) Utilities.
- BE) Rental of facilities.
- d) Reports of services, courses, and expenditures supported by the special populations grant shall be filed with the ICCB by August 1 of each year of forms provided by the ICCB.
- e) An initial grant in the amount designated in Section 2-16.02 ~~2-16~~ of the Act shall be allocated for expenditure by each community college within a multi-campus district. Remaining funds within a multi-college district may be allocated according to district policies.
- f) Special populations grant funds shall be expended or obligated prior

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

to June 30 each year. Goods for which the funds have been obligated shall be received and paid for prior to September 30 following the end of the fiscal year for which the funds were appropriated. Funds for services, including salaries and benefits, may not be obligated for services rendered after June 30. Unexpended funds totaling \$100 or more shall be returned to the ICCB by October 15 following the end of the fiscal year. Unexpended funds totaling less than \$100 need not be returned to the ICCB provided the funds are spent in the next fiscal year and for the restricted grant purpose.

- g) Special populations grant funds not used in accordance with this Section regardless of the amount shall be returned to the ICCB within six months after receipt of the external audit report by the ICCB or other identification of improper expenditures subsequently verified by the ICCB.

(Source: Amended at 18 Ill. Reg. 2816, effective FFP 911005)

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Credit Union Act
- 2) Code Citation: 38 Ill. Adm. Code 190
- 3) Section Number: Adopted Action:
190.165 Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305]

5) Effective Date of Amendment(s): February 24, 1995

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain Incorporations by Reference? No

8) Date filed in Agency's Principal Office: February 21, 1995

9) Notice of Proposal Published in Illinois Register: November 18, 1994, 18 Ill. Reg. 16764

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

All changes were typographical or style changes requested by either the Administrative Code Division or the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this Proposed Rule Replace an Emergency Rule Currently in Effect? No

14) Are there Any Other Amendments Pending on this Part? No

15) Summary and Purpose of Amendment(s):

The adopted amendment modernizes the current business loan rule to allow credit unions to meet their member's loan needs, while maintaining the safety and soundness of the credit unions.

16) Information and questions regarding this adopted amendment(s) shall be directed to

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED AMENDMENTS

Department of Financial Institutions
100 W. Randolph, 15-700
Chicago, Illinois 60601
(312) 814-5154

The full text of the adopted amendment(s) begins on the next page:

M. Rose Kelly
Chief Legal Counsel

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 190
ILLINOIS CREDIT UNION ACT

- Section 190.5 Credit Union Service Organizations
- 190.10 Field of Membership Procedures
- 190.20 Hearings
- 190.30 Cease and Desist Procedures
- 190.40 Removal or Suspension Procedures
- 190.50 Fees
- 190.60 General Accounting Procedures
- 190.70 Loan Loss Accounting Procedures
- 190.80 Use of Electronic Data Processing
- 190.90 Property and Long Term Leases
- 190.100 Classes of Share and Special Purpose Share Accounts
- 190.110 Share Drafts
- 190.120 Bond and Insurance Requirements
- 190.130 Verification of Share and Loan Accounts
- 190.140 First Mortgage Real Estate Lending
- 190.150 Reverse Mortgage
- 190.160 Lending Limits - Other Than First Mortgage Loans
- 190.165 Business Loans
- 190.170 Group Purchasing
- 190.180 Investments
- 190.190 Liquidation
- 190.200 Conversion of Charter

AUTHORITY: Implemented and authorized by the Illinois Credit Union Act [205 ILCS 305].

SOURCE: Adopted at 4 Ill. Reg. 20, p. 17, effective May 7, 1980; amended at 6 Ill. Reg. 11154, effective September 7, 1982; amended and codified at 7 Ill. Reg. 14973, effective October 26, 1983; emergency amendment at 9 Ill. Reg. 14378, effective September 11, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 16231, effective October 10, 1985; amended at 10 Ill. Reg. 14667, effective August 27, 1986; amended at 12 Ill. Reg. 10464, effective June 7, 1988; amended at 12 Ill. Reg. 17383, effective October 24, 1988; amended at 13 Ill. Reg. 15998, effective October 2, 1989; emergency amendment at 16 Ill. Reg. 12781, effective July 29, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17073, effective October 26, 1992; amended at 19 Ill. Reg. 2826, effective FEB 24 1995.

Section 190.165 Business Loans

a) The following are definitions applicable in this Section.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED AMENDMENTS

"Associated Member" means any member with a common ownership, investment or other pecuniary interest in a business or commercial endeavor with the borrower.

A "Business Loan" is defined as any loan, line of credit, letter of credit, to a member of the credit union, for which the proceeds will be used to finance a commercial, business or agricultural purpose.

"Reserves" means all reserves, including the Reserve for Loan Losses Account(s), and undivided Earnings or Surplus.

"Primary Residence" means the address at which one resides.

Nothing in this Section shall be applicable to:

- 1) loans fully secured by shares in the credit union or deposits in other financial institutions.
- 2) loans less than an aggregate amount of \$25,000 to one member or associated member for which the proceeds may be used for a commercial business or agricultural purpose but must be secured by titled motor vehicles with a lien in favor of the credit union.
- 3) loans to credit union service organizations (CUSO) as defined under Section 190.5 of this Part.
- 4) loans for any one to four family owner-occupied parcel of real estate as long as the borrower/owner maintains the subject property as his primary residence.
- 5) loans fully secured or fully guaranteed by an agency of the federal government or of a state or any of its political subdivisions.

c) Business Loans shall only be granted by credit unions with assets greater than \$5.0 million and only after a request of amendment to by-laws for such has been approved by the Director of the Department of Financial Institutions the Department of Financial Institutions has approved a credit union's request for a business loan amendment to its by-laws. The request must be accompanied with specific lending policies which shall address, but not be limited to:

- 1) Types of business loans to be made within a designated trade area.
- 2) Provisions that decisions for business lending be based on prudent lending criteria in assessing the borrower's ability to repay, etc., with appropriate and up-to-date documentation in the file including balance sheets, trend and structure analysis, ratio analysis of cash flow income and expenses, tax data leveraging, updated financial statements, tax returns, etc.
- 3) Provisions for experienced personnel involved in making and administering business loans requiring at least 2 years of related lending experience.
- 4) The aggregate amount of the credit union assets in relation to reserves, that will be invested in business loans, and the maximum amount of business loans to any one member or group of associated members, provided it does not exceed the limits as set

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED AMENDMENTS

forth in subsection (c) of this Part below.

5) The maximum amount of credit union assets in relation to reserves that will be allotted to given types of business loans.

6) Collateral requirements given that all business loans must be secured.

7) Defined interest rates and defined maturities of business loans.

8) Loan monitoring, servicing, and follow-up procedures, including collection procedures.

d) All approval of requests shall be based upon the history of the credit union, current financial condition and the adequacy of applicable operating policies as documented in the Department's annual or special examination. Evaluation of the history, current financial condition, and operating policies of the credit union will include, but not be limited to, the credit union's capital adequacy, asset quality, management policies, earnings, and liquidity. These factors must be reflective of a safe and sound financial operation (in accordance with ILCS 1907--1907--ch:17--pars:4409, 4410, 4437, and 4462 205 ILCS 305/8, 9, 36 and 61).

e) ~~Credit unions authorized to make business loans must~~ Business loans to any one member or group of associated members shall not exceed 10 15% of the credit union's regular reserve ~~to any one member or group of associated members~~ excluding the reserve for loan losses account. Credit unions seeking an exception to this limit must present in writing the increased limits sought, an explanation of the need for increased limits, the credit union's previous business lending experience and an up-to-date financial statement. The maximum limit on a member business loan is in addition to the secured and unsecured limits established in Sections 190.160 and 190.140, provided however, in no event shall all loans to any member exceed in the aggregate 10% of the credit union's unimpaired capital and surplus.

f) Reserve for Loan Losses (RLL) for Business Loans.

1) Reserve for Loan Losses (RLL) for Business Loans will be determined and accounted for by the credit union as follows:

Delinquent Loans	Classification	% of Outstanding Balance Required in RLL
2 to 5 months	Slow	10%
6 to 11 months	Doubtful	50%
12 months and over	Loss	100%

2) Non-delinquent loans may also be classified in the above categories by the Department, dependent upon an evaluation of factors, including, but not necessarily limited to, the adequacy of the credit union's analysis and documentation of the loan application, and the credit union's collateral requirements. Subsection (c)(2) of this Part above contains analysis and

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED AMENDMENTS

documentation requirements.

g) Credit unions authorized to make business loans may make member business loans to its directors, officers, credit committee members and supervisory committee members provided that the loan complies with all lawful requirements as set forth in this Section and in Section 52 of the Illinois Credit Union Act and is not on terms more favorable than those extended to other borrowers.

h) Credit unions authorized to make business loans shall not grant member business loans if the amount of income desired/received by the credit union is tied to the profit of the business in the form of an equity participation.

i) Credit unions are prohibited from making business loans where the payment amount fluctuates with the earnings of the business/borrower.

(Source: Amended at 19 Ill. Reg. 2826, effective FEB 24 1995)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Traditional Long-Term Care Insurance
- 2) Code Citation: 50 Ill. Adm. Code 2012
- 3) Section Number: Adopted Action:
 2012.30 Amended
 2012.122 Amended
 2012.Exhibit E New
- 4) Statutory Authority: Implementing and authorized by Section 351A-11 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 963A-11) [215 ILCS 5/351A-11].
- 5) Effective Date of Amendments: July 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date filed in Agency's Principal Office:
- 9) Notice of Proposal Published in Illinois Register:
 September 16, 1994, 18 Ill. Reg. 14213
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Difference(s) between proposal and final version:
 a) In the title of this Part, change "Long-Term Care Insurance" to "Traditional Long-Term Care Insurance".
 b) In the main authority note, add "Section 351A-11 of" following the word "by".
 c) Add Section 2012.30 to amendments.
 1. "Accelerated Life Products", on the third line delete "benefits".
 On the fifth line change "anytime" to "any time".
 2. "Applicant", on the last line change "certificate holder" to "certificateholder".
 3. "Group Long-Term Care Insurance", on the third line change "5/351 A-1" to "5/351A-1". Also the very last subparagraph has been moved back out to the two (2") margin level, and the italics have been re-moved.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

4. Change "Long-Term Care Insurance" to "Traditional Long-Term Care Insurance".
5. "Insurer", delete quotes around "Insurer". Change the comma to a semicolon on the first line following "companies", on the second line following "societies", on the third line following "corporations" and "plans".
6. "Traditional Long-Term Care Insurance". Change the comma to a semicolon on the nineteenth line following "insurers" and "societies", on the twentieth line following the word "corporations" and on the twenty first line following the word "plans". Finally, on the second to the last line change "which" to "that".
7. "Policy", delete the quotes around "Policy". Also on the sixth line add a comma following the word "health".
- d) Section 2012.122(a), on the first line add "traditional" following "marketing".
- e) Section 2012.122(a)(3), on the third line all text following the colon has been capitalized.
- f) Section 2012.122(a)(4), on the second line add "traditional" following "for".
- g) Section 2012.122(a)(5), on the first line add "traditional" following "marketing".
- h) Section 2012.122(a)(7), on the first line add "traditional" following "For". Also on the last line change "regulation" to "Part".
- i) Section 2012.122(a)(8), on the first line add "Traditional" following "8)". On the second line change "July 1, 1994" to "July 1, 1995". On the fourth line change "program" to "Program" and change "must" to "shall". On the eleventh line add "TRADITIONAL" following "APPROVED".
- j) Section 2012.122(c), on the third line add "traditional" following "procuring". On the seventh line add "traditional" following "regarding".
- k) Section 2012.122(c)(2), on the first line add "traditional" following "any".
- l) Section 2012.122(c)(2)(B), on the first line change "process" to "processes".

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- m) Section 2012.122(c)(7), on the first line add "traditional" following "a".
- n) Section 2012.122(c)(8), becomes Section 2012.122(d) and all text has been deleted and rewritten as follows:

"d) The insurer shall provide producer training as follows:

- 1) The insurer shall provide written evidence to the Department of Insurance that procedures are in place to assure that no producer will be authorized to market, sell, solicit, or otherwise contact any person for the purpose of marketing a traditional long-term care policy or certificate unless the producer has completed six (6) hours of training on traditional long-term care insurance as prescribed in Exhibit E of this Part; the course shall be specifically titled "Traditional Long-Term Care Insurance Policy". The traditional long-term care course cannot be included as a part of any other certified continuing education course; however, this course may satisfy a part of the continuing education requirements of Section 494.1(c) of the Illinois Insurance Code [215 ILCS 5/494.1(c)]. Insurers and producers shall maintain evidence of completion of the hours of training required and shall provide proof of completion upon request. Such proofs of completion shall be in the format prescribed by 50 Ill. Adm. Code 3119.Exhibit D, and shall be signed by the producer and the provider of the education attesting to the completion of the required training.

- 2) The required training hours referenced in subsection 2012.122(d)(1) above may qualify as part of the continuing education requirements of Section 494.1(c) of the Illinois Insurance Code [215 ILCS 5/494.1(c)], only if the training course has been certified under 50 Ill. Adm. Code 3119.30. Each educational provider shall submit its request for certification to the Director on a form prescribed by 50 Ill. Adm. Code 3119.Exhibit B at least 30 days prior to any course being offered. All educational providers and training courses qualifying for continuing education credit shall be renewed on an annual basis."

- o) Section 2012.Exhibit E, on the first line add "a course entitled "Traditional" following "for". Also on the second line delete "Policies" and add "Insurance Policy:"

- p) All source notes have been changed from "18" to "19".

- 12) Have all changes agreed upon by the agency and JCAR been made, as indicated in the agreement letter issued by JCAR? Yes.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this amendment replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of rulemaking: The Department amended this rule to revise the marketing standards for traditional long-term care insurance policies. We have also specified the continuing education requirements that insurers must implement before their insurance producers can sell this insurance product.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Smith
Department of Insurance
320 West Washington
Springfield, Illinois 62767

The full text of the Adopted Amendment begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Accelerated Life Product means a policy, contract, rider endorsement or amendment which contains benefits providing benefits payment from life or endowment or annuity benefits in advance of the time they would otherwise be payable at anytime any time during the insured's lifetime as an indemnity for long term care.

Applicant as defined in Section 351A-1 of the Illinois Insurance Code means:

in the case of an individual long-term care insurance policy, the person who seeks to contract for benefits; in the case of a group long-term care insurance policy, the proposed certificate-holder certificateholder.

Certificate as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 963A-1) [215 ILCS 5/351A-1] means any certificate issued under a group long-term care insurance policy, which policy has been delivered or issued for delivery in this State.

Director as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 963A-1) [215 ILCS 5/351 A-1] means the Director of Insurance.

Group Long-Term Care Insurance as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 963A-1) [215 ILCS 5/351A-1] means a long-term care insurance policy which is delivered or issued for delivery in this State and issued to one of the following:

One or more employers or labor organizations, or to a trust or to the trustee(s) of a fund established by one or more employers or labor organizations, or a combination thereof, for employees or former employees or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

Any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association:

Is composed of individuals all of whom are or were actively engaged in the same profession, trade or occupation; and

Has been maintained in good faith for purposes other than obtaining insurance.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCE

PART 2012
TRADITIONAL LONG-TERM CARE INSURANCE

- Section 2012.10 Purpose
- 2012.20 Applicability and Scope
- 2012.30 Definitions
- 2012.40 Policy Definitions
- 2012.50 Policy Practices and Provisions
- 2012.55 Unintentional Lapse
- 2012.60 Required Disclosure Provisions
- 2012.65 Prohibition Against Post Claims Underwriting
- 2012.70 Minimum Standards for Home Health and Community Care Benefits in Long-Term Care Insurance Policies
- 2012.80 Requirement to Offer Inflation Protection
- 2012.90 Requirements for Application Forms and Replacement Coverage
- 2012.95 Reporting Requirements
- 2012.100 Filing Requirement
- 2012.110 Loss Ratio
- 2012.115 Filing Requirements for Advertising
- 2012.120 Reserve Standards
- 2012.122 Standards for Marketing
- 2012.124 Appropriateness of Recommended Purchase
- 2012.126 Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates
- 2012.130 Standard Format Outline of Coverage Requirements
- 2012.140 Requirement to Deliver Shopper's Guide
- 2012.150 Penalties
- EXHIBIT A Replacement Notice for Other Than Direct Response Solicitations
- EXHIBIT B Replacement Notice for Direct Response Solicitations
- EXHIBIT C Standard Format Outline of Coverage
- EXHIBIT D Rescission Reporting Format
- EXHIBIT E Class of Insurance - Accident and Health

AUTHORITY: Implementing and authorized by Section 351A-11 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 963A-11) [215 ILCS 5/351A-11].

SOURCE: Adopted at 14 Ill. Reg. 10345, effective June 15, 1990; amended at 18 Ill. Reg. 2238, effective February 1, 1994; amended at 19 Ill. Reg. 2832, effective July 1, 1995.

Section 2012.30 Definitions

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

An association or a trust or the trustee(s) of a fund established, created or maintained for the benefit of members of one or more associations. Prior to advertising, marketing or offering such policy within this State, the association or associations, or the insurer of the association or associations, shall file evidence with the Director that the association or associations have at the outset a minimum of 100 members and have been organized and maintained in good faith for purposes other than that of obtaining insurance; have been in active existence for at least one year; and have a constitution and by-laws which provide that:

the association or associations hold regular meetings not less than annually to further purposes of the members;

except for credit unions, the association or associations collect dues or solicit contributions from members; and

the members have voting privileges and representation on the governing board and committees.

Thirty days after such filing the association or associations will be deemed to satisfy such organizational requirements, unless the Director makes a finding that the association or associations do not satisfy those organizational requirements.

A group other than as described in subparagraphs under the definition of Group Long-Term Care Insurance, subject to a finding by the Director that:

The issuance of the group policy is not contrary to the best interest of the public;

The issuance of the group policy would result in economies of acquisition or administration; and

The benefits are reasonable in relation to the premiums charged.

The standards to be used by the Director for determining whether a group is eligible shall include, but not be limited to: the policy shall not contain broad or misleading exclusions; premiums for group policies are less than premiums for individual policies; and the loss ratio

with the requirements of Section 2012.1110. The standards to be used by the Director for determining whether a group is eligible shall include, but not be limited to: the policy shall not contain broad or misleading exclusions; premiums for group policies are less than premiums for individual policies; and the loss ratio complies with the requirements of Section 2012.1110.

"Insurer" includes insurance companies; fraternal benefit societies; nonprofit health, hospital, and medical service corporations; prepaid health plans; health maintenance organizations or any similar organization.

"policy" as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 963A-1) [215 ILCS 5/351A-1] means any policy, contract, subscriber agreement, rider or endorsement delivered or issued for delivery in this State by an insurer, fraternal benefit society, non-profit health, hospital, or medical service corporation, prepaid health plan, health maintenance organization or any similar organization.

Traditional Long-Term Care Insurance as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 963A-1) [215 ILCS 5/351A-1] means any accident and health insurance policy or rider advertised, marketed, offered or designed to provide coverage for not less than 12 consecutive months for each covered person on an expense incurred, indemnity, prepaid or other basis for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital. Such term includes group and individual life insurance policies or riders which provide directly or which supplement long-term care insurance. Such term also includes a policy or rider which provides for payment of benefits based upon cognitive impairment or the loss of function capacity. Long-term care insurance may be issued by insurers; fraternal benefit societies; nonprofit health, hospital, and medical service corporations; prepaid health plans; health maintenance organizations or any similar organization, to the extent they are otherwise authorized to issue life or health insurance. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income or related asset protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage. Long-term care insurance may include benefits for care and treatment in accordance with the tenets and practices of any established church or religious

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

denomination which that teaches reliance on spiritual treatment through prayer for healing.

MEDICAID ASSET PROTECTION UNDER THE ILLINOIS LONG-TERM CARE PARTNERSHIP PROGRAM. HOWEVER, THIS POLICY (CERTIFICATE) IS AN APPROVED TRADITIONAL LONG-TERM CARE POLICY (CERTIFICATE) UNDER STATE INSURANCE REGULATIONS. FOR INFORMATION ABOUT POLICIES AND CERTIFICATES APPROVED UNDER THE ILLINOIS LONG-TERM CARE PARTNERSHIP PROGRAM, CALL THE SENIOR HELPLINE AT THE DEPARTMENT ON AGING AT 1-800-252-8966."

(Source: Amended at 19 Ill. Reg. 2832, effective JUL 01 1995)

Section 2012.122 Standards for Marketing

- a) Every insurer, as defined herein, marketing traditional long-term care insurance coverage in this State, directly or through its producers, shall:
 - 1) Establish marketing procedures to assure that any comparison of policies by its producers will be accurate.
 - 2) Establish marketing procedures to assure that excessive insurance is not sold or issued.
 - 3) Display prominently by type or stamp on the first page of the outline of coverage and policy the following: "Notice--to buyer--this--policy--may--not--cover--all--of--the--costs--associated--with--long--term--care--incurred--by--the--buyer--during--the--period--of--coverage--the--buyer--is--advised--to--review--carefully--all--policy--limitations--" "NOTICE TO BUYER: THIS POLICY MAY NOT COVER ALL THE COSTS ASSOCIATED WITH LONG-TERM CARE INCURRED BY THE BUYER DURING THE PERIOD OF COVERAGE. THE BUYER IS ADVISED TO REVIEW CAREFULLY ALL POLICY LIMITATIONS."
 - 4) Inquire of a prospective applicant or enrollee for traditional long-term care insurance whether they already have accident and sickness or traditional long-term care insurance and the types and amounts of any such insurance.
 - 5) Every insurer or entity marketing traditional long-term care insurance shall establish auditable procedures for verifying compliance with this subsection.
 - 6) The insurer shall, at solicitation, provide written notice to the prospective policyholder and certificateholder of the Senior Health Insurance Program (SHIP) that such a program is available and the most current name, address and telephone number of the program. The current address and toll-free telephone number is 320 W. Washington Street, Springfield, Illinois 62767, 1-800-598-9034.
 - 7) For traditional long-term care health insurance policies and certificates, use the terms "noncancellable" or "level premium" only when the policy or certificate conforms to this regulation Part.
 - 8) Traditional long-term care insurance policies or certificates sold after July 1, 1995 that are not under the Illinois Long-Term Care Partnership Program shall include a statement on the outline of coverage, the policy or certificate application, and the front page of the policy or certificate in bold type and in a separate box as follows: "THIS POLICY (CERTIFICATE) IS NOT APPROVED FOR

- b) In addition to the practices prohibited in Article XXVI (Ill. Rev. Stat. 1991, ch. 73, par. 1028 et seq.) [215 ILCS 5/424--et--seq-- Art. XXVI], the following acts and practices are prohibited:
 - 1) Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or convert any insurance policy or to take out a policy of insurance with another insurer.
 - 2) High pressure tactics. Employing any method of marketing having the effect of, or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.
 - 3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance producer or insurance company.

- c) With respect to the obligations set forth in this subsection, the primary responsibility of an association when procuring traditional long-term care insurance shall be to educate its members concerning long-term care issues in general so that its members can make informed decisions. Associations should provide information regarding traditional long-term care insurance policies or certificates to ensure that members of such associations receive a complete explanation of the features in the policies or certificates that are being sold by the insurer.
 - 1) The insurer shall file with this Department the following material:
 - A) The policy and certificate,
 - B) A corresponding outline of coverage, as referenced in Section 2012.130 and Exhibit C of this Part, and
 - C) All advertisements requested by the Department.
 - 2) The association shall disclose in any traditional long-term care insurance solicitation:
 - A) The specific nature and amount of the compensation arrangements (including all fees, commissions, administrative fees and other forms of financial support) that the association receives from the sale of the policy or certificate to its members, and

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- B) A brief description of the process processes under which such policies and the insurer issuing such policies were selected.
- 3) If the association and the insurer have interlocking directorates or trustee arrangements, the association shall disclose such fact to its members.
- 4) The board of directors of associations shall review and approve such insurance policies as well as the compensation arrangements made with the insurer.
- 5) The association shall also engage the services of a person with expertise in long-term care insurance, not affiliated with the insurer, to conduct an examination of the policies including its benefits, features, and rates and update such examination thereafter in the event of a material change.
- 6) No group long-term care insurance policy or certificate may be issued to an association unless the insurer files with this Department the information required in this subsection.
- 7) The insurer shall not issue a traditional long-term care policy or certificate to an association or continue to market such a policy or certificate unless the insurer certifies annually that the association has complied with the requirements set forth in this subsection.

to the Director on a form prescribed by 50 Ill. Adm. Code 3119.019 at least 30 days prior to any course being offered. All educational providers and training courses qualifying for continuing education credit shall be renewed on an annual basis.

(Source: Amended at 19 Ill. Reg. 20321, effective JUL 01 1995)

d) The insurer shall provide producer training as follows:

- 1) The insurer shall provide written evidence to the Department of Insurance that procedures are in place to assure that no producer will be authorized to market, sell, solicit, or otherwise contact any person for the purpose of marketing a traditional long-term care policy or certificate unless the producer has completed six (6) hours of training on traditional long-term care insurance as prescribed in Exhibit E of this Part; the course shall be specifically titled "Traditional Long-Term Care Insurance Policy." The traditional long-term care course cannot be included as part of any other certified continuing education course; however, this course may satisfy a part of the continuing education requirements of Section 494.1(c) of the Illinois Insurance Code [215 ILCS 5/494.1(c)]. Insurers and producers shall maintain evidence of completion of the hours of training required and shall provide proof of completion upon request. Such proof of completion shall be in the format prescribed by 50 Ill. Adm Code 3119.019, Exhibit D, and shall be signed by the producer and the provider of the education attesting to the completion of the required training.
- 2) The required training hours referenced in subsection 2012.122(d)(1) above may qualify as part of the continuing education requirements of Section 494.1(c) of the Illinois Insurance Code [215 ILCS 5/494.1(c)] only if the training course has been certified under 50 Ill. Adm. Code 3119.30. Each educational provider shall submit its request for certification

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Heading of the Part: Aid to Families with Dependent Children

Code Citation: 89 Ill. Adm. Code 112

Section Numbers: Adopted Action:
112.70 Amendment
112.78 Amendment

Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 ILCS 5/12-13]

Effective Date of Amendments: February 24, 1995

Does this rulemaking contain an automatic repeal date? No

Do these Amendments contain incorporations by reference? No

Date Filed in Agency's Principal Office: February 24, 1995

Notice of Proposal Published in Illinois Register: July 22, 1994 (18 Ill. Reg. 11461)

Has JCAR issued a Statement of Objections to these Adopted Amendments? No
Differences between proposal and final version: In the AUTHORITY, the ILCS was changed to: [305 ILCS 5/Art. IV and 12-13]. A period was added following the closing bracket.

In Section 112.70, an apostrophe was added before the final "s" in "individuals" in the following sentence: "Upon completion of the individuals education and/or training all participants will seek employment as part of the employability plan."

In Section 112.70(i)(2), "long term" was hyphenated.

In Section 112.78(d)(1), a comma was added after "job seeking skills".

In Section 112.78(e)(5)(B)(i), "i.e., the grievant" was enclosed in parentheses.

In Section 112.78(f)(2), "Requirement" was pluralized.

In Section 112.78(h), "The" preceding "Barber" was changed to the lower case.

In Section 112.78(k)(2), "Not-For-Profit" was changed to "Not-for-profit".

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENTS

Section 2012. EXHIBIT B Class of Insurance - Accident and Health

Course of Study Content Requirements for a course entitled "Traditional Long-Term Care Insurance Policy":

- a) Reasons for the interest in long-term care
- b) Sources for providing long-term care
- c) Medicaid
- d) Life-Care facilities
- e) Insurance policies providing long-term care coverage

(Source: Added at 19 Ill. Reg. 20321, effective July 01 1995)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62762
(217) 524-3215

The full text of the Adopted Amendments begins on the next page:

In Sections 112.78(k)(4)(i), 112.78(k)(4)(ii), 112.78(k)(4)(iii), and 112.78(k)(5)(C) "postsecondary" was hyphenated.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.110	Amendment	October 21, 1994 (18 Ill. Reg. 15491)
112.148	Amendment	January 27, 1995 (19 Ill. Reg. 804)
112.151	Amendment	October 21, 1994 (18 Ill. Reg. 15491)
112.300	Amendment	January 27, 1995 (19 Ill. Reg. 804)
112.306	Amendment	January 27, 1995 (19 Ill. Reg. 804)

15) Summary and Purpose of Amendments: The purpose of the Jobs Opportunities and Basic Skills Training (JOBS) Program is to assure that needy individuals and families obtain education, training and employment that will help avoid long-term welfare dependence. JOBS offers a wide variety of intensive activities aimed at assisting the participant to acquire the education and skills needed to meet the demands of the current labor market as well as in the future. JOBS focuses on enhancing the long-term employability of AFDC clients by assessing the individual capabilities of each program participant, allowing to the greatest extent possible the individual's preferences in completing the employability plan and matching the participant to a suitable activity.

Pursuant to the provisions of Title II of the Family Support Act of 1988, Public Law 100-485 and 45 CFR 250.33, this rulemaking changes the participation requirements for the Unemployed Parents Work Experience component of JOBS. These amendments allow both parents in an AFDC-U case to participate in the Unemployed Parents Work Experience component unless one or both parents are exempt. As a result of this rulemaking, parents in the AFDC-U case may be required to participate in the Unemployed Parents Work Experience component unless they are exempt under the exemption criteria listed in Section 112.71.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	
112.1	Description of the Assistance Program
112.5	Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section	
112.70	Participation Requirements for JOBS
112.71	Individuals Exempt from JOBS
112.72	JOBS Participation/Cooperation Requirements
112.73	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74	JOBS Initial Assessment Process/Development of an Employability Plan
112.76	JOBS Orientation
112.77	Conciliation and Fair Hearings
112.78	JOBS Components
112.79	JOBS Sanctions
112.80	Good Cause for Failure to Comply with JOBS Participation Requirements
112.81	Responsible Relative Eligibility For Project Chance
112.82	Project Chance Supportive Services
112.83	Young Parents Program
112.84	Work Experience Evaluation Project
112.85	Four Year College/Vocational Training Demonstration Project

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance
112.87	Project Advance Experimental and Control Groups
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90	Project Advance Sanctions
112.91	Good Cause for Failure to Comply with Project Advance
112.93	Individuals Exempt From Project Advance
112.95	Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Stepparent, Parent or Legal Guardian
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump Sum Payments
112.128	Protected Income
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 112.143 Recognized Employment Expenses
- 112.144 Income From Work/Study/Training Program
- 112.145 Earned Income From Self-Employment
- 112.146 Earned Income From Roomer and Boarder
- 112.147 Income From Rental Property
- 112.148 Payments from the Illinois Department of Children and Family Services
- 112.149 Earned Income In-Kind
- 112.150 Assets
- 112.151 Exempt Assets
- 112.152 Asset Disregards
- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers
- 112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

- Section
- 112.250 Grant Levels
- 112.251 Payment Levels in AFDC
- 112.252 Payment Levels in AFDC Group I Counties
- 112.253 Payment Levels in AFDC Group II Counties
- 112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

- Section
- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Monthly Reporting
- 112.303 Retrospective Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Aliens
- 112.308 Special Needs Authorizations
- 112.309 Institutional Status
- 112.315 Young Parent Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Twelve Month Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- Section
- 112.350 Child Care
- 112.352 Child Care Eligibility
- 112.354 Qualified Provider
- 112.356 Notification of Available Services
- 112.358 Participant Rights and Responsibilities
- 112.362 Additional Service to Secure or Maintain Child Care Arrangements
- 112.364 Rates of Payment for Child Care
- 112.366 Method of Providing Child Care
- 112.370 Non-JOBS Education and Training Program

SUBPART K: TRANSITIONAL CHILD CARE

- Section
- 112.400 Transitional Child Care Eligibility
- 112.404 Duration of Eligibility for Transitional Child Care
- 112.406 Loss of Eligibility for Transitional Child Care
- 112.408 Qualified Child Care Providers
- 112.410 Notification of Available Services
- 112.412 Participant Rights and Responsibilities
- 112.414 Child Care Overpayments and Recoveries
- 112.416 Fees for Service for Transitional Child Care
- 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 11921, 11921, effective August 26, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 5, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13562, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. **2845**, effective **FEB 24 1995**.

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section 112.70 Participation Requirements for JOBS

Sections 112.70 through 112.83 describe the Job Opportunities and Basic Skills Training (JOBS) Program employment, education, and training participation requirements for AFDC clients. The purpose of JOBS is to assure that needy individuals and families obtain education, training and employment that will help avoid long-term welfare dependence. JOBS will focus on enhancing the long-term employability of AFDC clients by assessing the individual capabilities of each program participant, allow to the greatest extent possible the individual's preferences in completing the employability plan and matching

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

the participant to a suitable activity. The program will offer a wide variety of intensive activities aimed at assisting the participant to acquire the education and or skills needed to meet the demands of the current labor market as well as in the future. Upon completion of the individual's education and/or training all participants will seek employment as part of the employability plan. To the extent possible, the program will have as its first priority individuals, whether exempt or non-exempt, who volunteer to participate. The Department will decide the categories of individuals who can participate in JOBS based upon budget analysis of competent costs and supportive service costs for each category of individuals and in keeping with Federal Jobs participation requirements. The program offered in different counties of the State may vary depending on the extent that resources are available. Program services may be provided directly by the Illinois Department of Public Aid or through contract as allowed by Federal law. References to the Department or staff of the Department shall include contractors when the Department has entered into contracts for program services. In areas where the Department has contracted with community colleges, the program is called Opportunities. References to JOBS and JOBS participants shall include Project Chance and Project Chance participants and Opportunities and Opportunities participants.

a) Both exempt and non-exempt individuals receiving AFDC may participate in JOBS when State resources permit. All non-exempt individuals receiving AFDC are required to participate in JOBS only to the extent there are resources available to serve individuals other than volunteers. Participation in component activities may be mandated for non-exempt individuals. Parents ~~one-parent~~ in the AFDC-U case may be required to ~~must~~ participate in the Unemployed Parent Work Experience component unless they are ~~he/she~~ is exempt under one of the exemption criteria (see Section 112.71). ~~if one-parent--is--exempt--the--other parent--must--participate--in--the--Unemployed--Parent--Work--Experience component--unless--he/she--is--also--exempt--~~ Participation may be limited for non-exempt and exempt individuals based on component cost or available funds for supportive services for participating individuals. Dependent children under 16 who are not parents cannot participate in JOBS unless they are participating in the Youth Employment and Training initiative.

b) JOBS services will be offered to exempt and non-exempt individuals who wish to volunteer to participate. Volunteers will be served first. However, participation may be mandated for non-exempt individuals if needed to serve adequate numbers in the target populations, or if state resources are available to provide services beyond this volunteer population. Exempt and non-exempt individuals who volunteer to participate become a program participant upon completion of the Initial Assessment, development of the employability plan, and assignment to a component (see section 112.74). Participation may be limited for volunteers if state resources are insufficient. A waiting list will be established by geographical area to serve those on waiting lists in each geographical area. Volunteers who fail to attend the orientation and/or Initial Assessment meetings will not be

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

sanctioned. However, non-exempt volunteers who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the employability plan, and assignment to a component may be sanctioned if they thereafter do not meet program requirements without good cause (see Section 112.79). Non-exempt individuals who are mandated to participate but fail to attend the orientation meeting or to complete the Initial Assessment without good cause may be sanctioned.

c) If State resources are insufficient to provide component and supportive service costs for JOBS participants, child care, if needed, will be provided when the education or training activity for non-JOBS individuals in JOBS areas is approved based on the same criteria, except the criterion that requires individuals to participate an average of 20 hours each week, that is used for JOBS individuals described in Section 112.78 (See Section 112.370). Non-JOBS individuals will request child care using the Department of Children and Family Services request for child care services and registration. JOBS participation may be mandated to the extent resources allow and to the extent needed to meet Federal program requirements and maintain a program that is balanced between education and training services and placement sources for job ready individuals.

e) JOBS resources will be targeted to the following groups:

- 1) current recipients who have received AFDC for any 36 of the preceding 60 months;
 - 2) custodial parents under age 24 who have not completed high school or have little or no work experience within the preceding year; or
 - 3) members of families in which the youngest child is within two years of being ineligible for AFDC because of age.
- f) A custodial parent under age 20 who has not completed a high school education (or its equivalent) is not exempt from participation in educational activities directed toward obtaining a high school diploma (or equivalent) because of the age of the youngest child (see Section 112.71). Full-time participation (as defined by the educational provider) is required even if the individual's youngest child is under age six. This requirement is conditioned upon provision to the young parent of all necessary child care services.
- g) A custodial parent age 16 or 17 may be excused from educational activities directed toward obtaining a high school diploma (or equivalent) if the parent is unable to participate due to his or her own mental or physical illness or that of his or her spouse or child, is homeless, or is experiencing family or personal crisis.
- h) A custodial parent who is age 18 or 19 may participate in training or work activities instead of educational activities if one of the following conditions is met:
- 1) prior to any assignment of the parent to educational activities, it is determined, based on an educational assessment and the employment goal established in the parents' employability plan,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

that participation in educational activities is not appropriate; or

2) the parent fails to make good progress in successfully completing educational activities, and it is determined based on an individual assessment, and the employment plan that the educational activity is not appropriate.

i) Individuals age 20 or over who have not completed a high school education (or equivalent) must participate in educational activities consistent with the employment goal established in the employability plan unless:

- 1) the individual reads at the 9.9 grade level; or
- 2) the long-term employment goal identified in the individual's employability plan does not require a high school diploma (or equivalent); or
- 3) the individual reads below the 9.9 grade level, and it is determined based on the individual's assessment that the individual does not possess the aptitude to progress in an educational program and does not wish to participate in an educational program.

j) A parent or other relative personally caring for a child under age six will not be required to participate in JOBS for more than 20 hours per week except as specified in subsection (f) above.

k) Children in AFDC cases who are ages 14-18 and attend school may be required to participate in the Youth Employment and Training Initiative under the Project Chance Program.

(Source: Amended 19 Ill. Reg. 2845, effective FEB 24 1995)

Section 112.78 JOBS Components

- a) Education (Below Post Secondary)
- Participants who are determined ready to participate but in need of education are referred to the education component. In this component, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (e.g., GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.
- 1) Assignment to Education (Below Post Secondary)
 - A) Individuals to be assigned to Education may include but are not limited to the following:
 - i) custodial parents under age 20 who do not have a high school degree or equivalent;
 - ii) individuals with limited English proficiency;

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- iii) individuals age 20 and over who do not read at or above a 9.9 grade level;
- iv) individuals age 20 and over who do not have a high school degree or its equivalent and wish to obtain one.
- B) Parents ages 16 and 17 may be excused from educational activities if the parent is unable to participate in educational activities due to his/her own mental or physical illness or that of his/her spouse or child, is homeless, or is experiencing family or personal crisis. This shall include but not be limited to domestic violence and a child's suspension from school.
- C) Parents age 18 and 19 may be assigned to training or work activities instead of educational activities if:
 - i) the parent fails to make good progress in successfully completing education activities; or
 - ii) prior to assignment, the parent had made arrangements to participate in a training program that is approved by the JOBS program; or
 - iii) it is determined based on the assessment and the employment goal of the individual that educational activities are not appropriate.
- D) Educational activities may be combined with other component activities if it is determined appropriate.
- 2) Approval criteria for education (Below Post Secondary)
 - A) The individual's program must be accredited under state law.
 - B) The individual's program must be needed for the participant to complete his or her employability plan.
 - C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
 - D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- 3) Participation Requirements
 - A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
 - B) The individual must maintain participation of at least 75% of scheduled activities unless there is good cause for missing more.
 - C) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:
 - 1) active participation and pursuit of educational objectives;
 - ii) teacher's written remarks;
 - iii) grades;
 - iv) demonstrated competencies;
 - v) classroom exercises; and
 - vi) periodic test/retest results.
 - D) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
 - E) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
 - F) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.
 - G) Curriculum changes must be made with the prior approval of JOBS and will be approved when the change is consistent with the employability plan.
 - a) Job Skills Training (Vocational)
 - 1) Self-initiated activity qualifies as "self initiated education or training" for this component if:
 - A) the participant is attending at least half-time as defined by the institution;
 - B) the participant is making satisfactory progress in such institution, school or course;
 - C) The course of study is consistent with the individual's employment goal; and
 - D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(b)(2)(A) thru (J).
 - 2) Approval Criteria For Job Skills Training (Vocational)
 - A) The individual's program must be accredited under requirements of state law.
 - B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
 - C) The individual must have a high school diploma or GED if

- i) active participation and pursuit of educational objectives;
- ii) teacher's written remarks;
- iii) grades;
- iv) demonstrated competencies;
- v) classroom exercises; and
- vi) periodic test/retest results.
- D) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
- E) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
- F) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.
- G) Curriculum changes must be made with the prior approval of JOBS and will be approved when the change is consistent with the employability plan.
 - a) Job Skills Training (Vocational)
 - 1) Self-initiated activity qualifies as "self initiated education or training" for this component if:
 - A) the participant is attending at least half-time as defined by the institution;
 - B) the participant is making satisfactory progress in such institution, school or course;
 - C) The course of study is consistent with the individual's employment goal; and
 - D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(b)(2)(A) thru (J).
 - 2) Approval Criteria For Job Skills Training (Vocational)
 - A) The individual's program must be accredited under requirements of state law.
 - B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
 - C) The individual must have a high school diploma or GED if

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

required for training requirements and/or employment in the chosen field.

- D) The individual must apply for all available educational benefits such as the Pell grant and scholarships from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.
- F) When the individual possesses an associate degree, license or certificate, the program selected must result in an increase in the level of the individual's earnings upon completion. Otherwise, no additional training will be approved unless, due to a change in the economy or occupation, there are not jobs available in the individual's chosen occupation. If the individual possesses a baccalaureate degree, no additional education or training will be approved.
- G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's employability plan upon completion.
- I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- J) Job skills training may be combined with other component activities if it is determined appropriate.
- K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.
- 3) Participation Requirements
- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
- B) The individual must maintain participation of at least 75% unless there is good cause for missing more.
- C) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C"

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

- D) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.
- E) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.
- F) Curriculum changes must be made with the prior approval of JOBS and will be approved when the change is consistent with the employability plan.
- c) Job Readiness
- 1) The Job readiness component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.
- 2) Assignment to Job Readiness
- Job readiness activities may be combined with other component activities if it is determined appropriate.
- 3) Participation requirements
- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
- B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search component in the program, the individual must make up to ten acceptable employer contacts in a 30 day period unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort").
- C) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.
- D) The individual must respond to a job referral, accept employment and respond to mail-in contact.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- E) The individual must maintain participation of at least 75% unless there is good cause for missing more.
- d) Job Search
- 1) Description of Job Search
Job Search may be conducted individually or in groups. Job Search includes the provision of counseling, job seeking skills, training and information dissemination. Group job search may include training in a group session.
 - 2) Assignment to Job Search
A) Participation in the Job Search component can not be in excess of 8 weeks (or its equivalent) in any period of 12 consecutive months.
B) Job ready individuals may be assigned to Job Search. Individuals completing education or training or job skills training or job readiness training may be assigned to Job Search.
C) Job Search may be combined with other component activities if it is determined appropriate.
 - 3) Participation Requirements
A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.
B) Individuals must contact employers in an effort to secure employment. Participants must make up to 20 acceptable employer contacts in a 30-day period unless the participant shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:
 - i) the participant appears for a scheduled interview and the employer misses the appointment;
 - ii) the participant makes less than the required number of acceptable employer contacts, but came reasonably close to the required numbers in an effort to find work;
 - iii) the participant fails a civil service or other employment screening test;
 - iv) the participant completes an application which is not accepted by the employer;
 - v) the participant's job search performance indicates that he/she should be in a different JOBS component activity; and
 - vi) the participant has less than the required number of employer contacts based on the lack of available jobs in the geographical area.
 - C) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- D) Acceptable employer contacts may include but are not limited to:
- i) a face-to-face contact with an employer or the employer's representative;
 - ii) the completion and return of an application to an employer;
 - iii) the completion of a civil service test required for employment with state, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
 - iv) the completion and mailing of a resume with a cover letter to a recognized employer;
 - v) reporting to the union hall for union members verified to be in good standing; or
 - vi) registration with DES.
- E) The individual must maintain participation of at least 75% unless there is good cause for missing more.
- e) Community Work Experience
Near job ready participants who have not found employment and who need orientation to work, work experience or training, in order to prevent deterioration of or to enhance existing skills are referred to the Community Work Experience component. Community Work Experience assignments are with not-for-profit and public agencies statewide. Not-for-profit and public agencies shall not use Community Work Experience participants to displace regular employees (see subsection (e)(4) below). Work experience programs shall be limited to those which serve a public purpose in fields such as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and child care. Participants in Community Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) for a Federal office or agency with its consent, and, notwithstanding (31 U.S.C. 1342), or any other provision of law, such agency may accept such services, but such participants shall not be considered to be Federal employees for any purpose.
- 1) Assignment to Community Work Experience
 - A) The Community Work Experience component is for participants determined:
 - i) to have no recent work history or employer references taking into consideration such factors as the educational background and previous training; or
 - ii) to need experience to prevent deterioration of or to enhance existing skills (e.g., typing).
 - B) Entry into Community Work Experience
Participants are determined to be eligible for the Community Work Experience component, based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

participant and a review of all available information on the participant (including but not limited to the participant's case record).

- C) Community Work Experience Positions
A participant shall be assigned to a Community Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Community Work Experience.
- D) Community Work Experience activities may be combined with other component activities if it is determined appropriate.
- 2) Participation Requirements **Requirement**
A) Work assignment consists of no more than six months in a 12 consecutive calendar month period. The hours of the work assignment for a calendar month shall not exceed the family's AFDC grant received in the fiscal month during which the assignment is made divided by the higher of the State or Federal minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site (as determined by the Work Experience Sponsor and the Department). (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection (except for the \$50 pass through) shall be excluded in determining the maximum number of hours that the participant is required to work. In order to provide consistency for both work assignment sponsors and participants, the required number of hours will be rounded down to 40 or 80 hours. The minimum number of hours that must be completed within a calendar month is 40 hours, and the maximum number of hours that must be completed is 80 hours.
- B) During work assignment, the participant shall be required to make up to ten employer contacts per month if participating in a 40 hour work assignment, or five employer contacts per month if participating in an 80 hour work assignment unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort") or participates in education and training programs. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.
- C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- D) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week. The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include but is not limited to activities such as the work assignment, the completion of employer contacts and attendance in education/training programs.
- 3) Reassessment
At the end of the work assignment, the participant's employability will be evaluated using the procedures and criteria described in Section 112.74. If continuing the work assignment will benefit the participant in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the participant shall be reassigned to the work assignment. Otherwise, the participant will be assessed for assignment to another JOBS component.
- 4) Length of Assignment
An individual cannot be assigned to Community Work Experience for more than a total of six months in any 12 consecutive calendar month period.
- 5) Displacement
A) The Work Experience Sponsor shall not use participants to:
i) displace positions or persons who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits; or
ii) displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor; or
iii) impair existing contracts for services or collective bargaining agreements; or
iv) infringe in any way upon promotional opportunities of any currently employed individual; or
v) fill any established unfilled position vacancy; or
vi) displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.
- B) Participant's and other employees at the work site or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
i) the name and address of the participant or other

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

employee at the work site (i.e., the grievant);
 ii) the participant's public aid case number;
 iii) the participant's or other employee's (at the work site) social security number;
 iv) Work Experience (work site); and
 v) a statement as to why the participant or other employee at the work site believes he or she is causing displacement.

C) Within ten days of receipt of a written grievance, the Department shall arrange an in-person conference with:
 i) the participant or other employee at the work site;
 ii) the participant's or other employee's (at the work site) representative, if any;
 iii) the Work Experience Sponsor;
 iv) the Work Experience Sponsor's representative, if any; and

v) the Department's representative.
 D) At the in-person conference, the Department shall solicit and receive from the participant or other employee at the work site and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.

E) Within 15 days of the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A) above), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of JOBS participants in addition to the participant, then the Department shall terminate those JOBS participants' assignment to that work assignment Sponsor.

G) A decision of the Department relating to a displacement grievance may be appealed by a regular employee within 20 days after the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the U.S. Department of Labor per 45 CFR 251.4.

H) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Sponsor for filing a grievance or otherwise proceeding under this policy.

f) On the Job Training (OJT)
 In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

- 1) Assignment to OJT
 - A) Job ready individuals may be assigned to OJT.
 - B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.
 - C) Wages to participants in OJT shall not be less than the higher of the State or Federal minimum wage.
 - D) Wages to participants in OJT are considered earned income.
 - E) OJT may be combined with other component activities if it is determined appropriate.

2) Participation Requirement Requirements
 A) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.
 B) The individual must maintain participation of at least 75% unless there is good cause for missing more.

3) Supportive Services
 Participants in OJT receive child care and medicaid benefits through the AFDC program, not JOBS.
 g) Exchange Program (see Section 112.98)
 h) Post Secondary Education

Individuals may be referred to post secondary education programs. Post secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, the Barber, Cosmetology and Esthetics Act of 1985 (Ill. Rev. Stat. 1991, ch. 111, par. 1701-1 et seq.) [225 ILCS 410], the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, par. 5801 et seq.) [225 ILCS 455], the Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, par. 101-1 et seq.) [110 ILCS 805], the University of Illinois Act (Ill. Rev. Stat. 1991, ch. 144, par. 21m et seq.) [110 ILCS 305], the Regency Universities Act (Ill. Rev. Stat. 1991, ch. 144, par. 301 et seq.) [110 ILCS 705] and the Southern Illinois University Name Change Act (Ill. Rev. Stat. 1991, ch. 144, par. 599 et seq.) [110 ILCS 505].

1) Self-initiated activity qualifies as "self initiated education or training" for this component if:

- A) The participant is attending at least half-time as defined by the institution;
- B) The participant is making satisfactory progress in such institution, school or course;
- C) The course of study is consistent with the individual's employment goal; and

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(h)(2)(A) thru (n).
- 2) Approval Criteria For Post Secondary Education
- A) The individual must have a high school diploma or a GED.
- B) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational training background.
- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
- D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- E) The individual does not already possess a baccalaureate degree or an associate degree if the employability plan goal is an associate degree.
- F) If the participant possesses a baccalaureate degree, no additional education may be approved.
- G) The individual's program must be accredited under requirements of State law.
- H) The individual must apply for all available educational benefits such as the Pell grant scholarship from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- I) Jobs, consistent with the individual's employability plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.
- J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- K) The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree consistent with the employability plan.
- L) The individual must be underemployed or unemployed and in need of additional education and the education will better prepare the participant to enter the labor force.
- 3) Participation Requirements
- A) The individual must maintain participation of at least 75% unless there is good cause for missing more.
- B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C"

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
- C) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.
- D) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.
- E) Curriculum changes must be made with the approval of JOBS and will be approved when the change is consistent with the employability plan.
- I) Job Development and Placement (JDP)
- 1) JOBS staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.
- 2) Assignment to JDP
- Job ready individuals may be assigned to JDP.
- J) Job Retention
- The job retention component is designed to assist participants in retaining employment. Initial employment expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding job retention skills. Counseling may continue up to three months after employment.
- K) Unemployed Parents Work Experience
- 1) Parents ~~One--parent~~ in the AFDC-U case may be required to must participate in Unemployed Parents Work Experience unless they are ~~he/she is~~ exempt under one of the exemption criteria (see Section 112.71). ~~if--one--parent--is--exempt--the--other--parent--must~~ participate in Unemployed Parents Work Experience--unless--he--she is--also--exempt--
- 2) Unemployed Parents Work Experience participants who are placed on a supervised work assignment improve their employment skills through actual work experience at not-for-profit organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Not-for-profit organizations and governmental agencies shall not use Unemployed Parents Work Experience participants to displace regular employees (see subsection (k)(7) below).
- 3) The individual must participate in Unemployed Parents Work

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Experience for as long as he/she remains eligible for financial assistance or until determined exempt from JOBS. Work assignments are for 20 hours each week or 40 hours each week for two weeks followed by two weeks off. Attendance in the work assignment is monitored monthly. A reassessment must be conducted with the participant at least every 12 consecutive months.

- 4) Assignment to Work Experience
- A) The Unemployed Parents Work Experience participant who possesses a high school diploma or equivalent will be assigned to a work assignment. The participant who does not possess a high school diploma or equivalent and who is:
- i) age 25 and over may participate in educational activities below the post-secondary level in addition to his/her Unemployed Parents Work Experience work assignment; or
 - ii) age 20 through 24 may choose to participate in educational activities below the post-secondary level in addition to or instead of the Unemployed Parents Work Experience work assignment. The individual must participate an average of 20 hours each week in the Education (below post-secondary) component if he/she chooses this component instead of the Unemployed Parents Work Experience work assignment unless a 20 hour weekly educational program is not available in the area where the program is located. The individual must then attend the program for the scheduled hours the program is offered. If the individual fails to make satisfactory academic progress in the Education (below post-secondary) component, the individual will be assigned to an Unemployed Parents Work Experience work assignment; or
 - iii) under age 20 must participate an average of 20 hours each week in educational activities below the post-secondary level unless a 20 hour weekly educational program is not available in the area where the program is located. The individual must then attend the program for the scheduled hours the program is offered. The individual must meet the participation requirements of the Education (below post-secondary) component (see Section 112.78(a)). If the individual fails to make satisfactory academic progress, the individual will be assigned to the Unemployed Parents Work Experience work assignment.
- B) Entry into Unemployed Parents Work Experience
- ~~The Parents in the AFDC-U case may be required to participate in Unemployed Parents Work Experience~~
~~participant--must--be--one--parent--in--the--AFDC-U--case unless~~

~~they are he/she--is~~ exempt under one of the exemption criteria (see Section 112.71). ~~if one parent is exempt, the other parent must participate--in--Unemployed Parents Work Experience--unless--he/she--is--also--exempt.~~

- C) Unemployed Parents Work Experience Positions
- A participant shall be assigned to an Unemployed Parents Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Unemployed Parents Work Experience.
- D) Unemployed Parents Work Experience activities may be combined with other component activities if it is determined appropriate.
- 5) Participation Requirements
- A) During the work assignment period, the client must make a good faith effort to complete five employer contacts in each 30 day period.
 - B) Failure to make the required number of employer contacts each 30 day period without good cause may result in sanction. A client will not be sanctioned if he/she makes a good faith effort to complete and provide verification of the required number of employer contacts (see Section 112.78(d)(3)(B)).
 - C) The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include the work assignment, attendance in Education (below post-secondary), and/or completion of employer contact activities.
 - D) The client attending a work assignment must participate 20 hours each week or 40 hours each week for two weeks followed by two weeks off.
- 6) Reassessment
- A reassessment must be conducted with the participant at least once every 12 consecutive months.
- 7) Displacement
- A) The Unemployed Parents Work Experience Sponsor shall not use participants to:
- i) displace positions or persons who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits; or
 - ii) displace persons who are or have been involved in a labor dispute between a labor organization and the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- Sponsor; or
- iii) impair existing contracts for services or collective bargaining agreements; or
 - iv) infringe in any way upon promotional opportunities of any currently employed individual; or
 - v) fill any established unfilled position vacancy; or
 - vi) displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.
- B) Participants, other employees at the work site or their representatives may file a grievance with the Department if they believe their work assignments are causing a displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
- i) the name and address of the participant or other employee at the work site (i.e., the grievant);
 - ii) the participant's public aid case number;
 - iii) the participant's or other employee's (at the work site) social security number;
 - iv) Work Experience (work site); and
 - v) a statement as to why the participant or other employee at the work site believes he or she is causing displacement.
- C) Not more than ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:
- i) the participant or other employee at the work site;
 - ii) the participant's or other employee's (at the work site) representative, if any;
 - iii) the Work Experience Sponsor;
 - iv) the Work Experience Sponsor's representative, if any; and
 - v) the Department's representative.
- D) At the in-person conference, the Department shall solicit and receive from the participant or other employee at the work site and from the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.
- E) Within 15 days after the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A)(i) above), the Department

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of JOBS participants in addition to the participant, then the Department shall terminate those JOBS participants' assignment to that Work Experience Sponsor.
- G) A decision of the Department relating to a displacement grievance may be appealed by a regular employee within 20 days after the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the U.S. Department of Labor per 45 CFR 251.4.
- H) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.
- I) Self-Employment
- Self-employment components will increase the individual's ability to start and maintain a business. Self-employment activities will include self-employment development training programs, technical assistance programs, and a two year exemption of business assets and income for participants. In order to be approved in the self-employment component, the self-employment development plan must be approved.
- 1) Assignment to Self-Employment
 - A) Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.
 - 2) Participation Requirements
 - 3) Participants must attend at least 75% of classroom activities.
 - In order to qualify for a two year self-employment exemption of the business assets and income, the individuals must:
 - A) complete a self-employment program or demonstrate equivalent knowledge and experience; and
 - B) submit a business plan which includes the following items:
 - i) verification that the business can be started for under \$5,000;
 - ii) verification that the loan, if needed, has been secured or that an application for a loan is pending;
 - iii) a marketing plan which includes a complete product or service description, the market area, the target customers and promotional strategy, an analysis of the competition, distribution, pricing and selling methods; and
 - iv) a financial plan which includes the amount of loan the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

business will need and the repayment plan, the projected monthly cash flow over a two year period, the estimated cost of production and/or distribution, and the estimated operating expenses.

(Source: Amended at 19 Ill. Reg. 28454 effective
FEB 24 1995)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Adopted Action:
 113.140 Amendment
 113.155 Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 ILCS 5/12-13] and OBRA '93 (PL 103-66)
- 5) Effective Date of Amendments: February 24, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 24, 1995
- 9) Notice of Proposal Published in Illinois Register:
 September 30, 1994 (18 Ill. Reg. 14590)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version:
 Section 113.140(e) has been revised as follows:
 The value of a life estate shall be determined at the time the life estate in the property is established and at the time the property (for example, assets) is liquidated. In determining the value of the life estate and remainder interest based on the value of the property at the time the life estate is established or on the amount received when the property is liquidated, the Department shall apply the values described in 89 Ill. Adm. Code 120.Table A. The life estate and remainder interest are based on the age of the person at the time the life estate in the property is established and at the time the property is liquidated and the corresponding values described in 89 Ill. Adm. Code 120.Table A.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
113.253	Amendment	January 27, 1995 (19 Ill. Reg. 815)
113.260	Amendment	January 27, 1995 (19 Ill. Reg. 815)

15) **Summary and Purpose of Amendments:** These amendments implement provisions of OBRA '93 (P.L. 103-66) relating to the treatment of revocable and irrevocable trusts and the transfer of assets for persons residing in long term care facilities. This rulemaking also establishes the procedures used to determine the value of a life estate and remainder interest at the time the property is liquidated.

As a result of these amendments, in determining the value of the life estate and remainder interest of the amount received, the Department will apply the values listed in 89 Ill. Adm. Code 120.346. The life estate and remainder interest are based on the age and sex of the person at the time the property is liquidated and the corresponding values described in 89 Ill. Adm. Code 120.347. This rule change also repeals provisions for property transfers for applications filed on or after October 1, 1989.

Companion amendments were also proposed in Sections 120.346, 120.347, 120.380, 120.386 and 120.387.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
 AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program Incorporation By Reference
113.1	
113.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	Description of the Assistance Program Incorporation By Reference
113.9	Client Cooperation
113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	Description of the Assistance Program Incorporation By Reference
113.100	Unearned Income
113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Farmed Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income (Repealed)
113.109	Earned Income (Repealed)
113.110	Budgeting Earned Income (Repealed)
113.111	Protected Income
113.112	Earned Income
113.113	Exempt Unearned Income
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115	Initial Employment

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

113.116 Budgeting Earned Income For Contractual Employees
 113.117 Budgeting Earned Income For Non-contractual School Employees
 113.118 Termination of Employment
 113.120 Exempt Earned Income
 113.125 Recognized Employment Expenses
 113.130 Income From Work/Study/Training Programs
 113.131 Earned Income From Self-Employment
 113.132 Earned Income From Roomer and Boarder
 113.133 Earned Income From Rental Property
 113.134 Earned Income In-Kind
 113.139 Payments from the Illinois Department of Children and Family Services
 113.140 Assets
 113.141 Exempt Assets
 113.142 Asset Disregard
 113.143 Deferral of Consideration of Assets
 113.154 Property Transfers For Applications Filed Prior To October 1, 1989
 (Repealed)
 113.155 Property Transfers For Applications Filed On Or After October 1, 1989
 (Repealed)
 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
 113.157 Sponsors of Aliens
 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
 113.245 Payment Levels for AABD
 113.246 Personal Allowance
 113.247 Personal Allowance Amounts
 113.248 Shelter
 113.249 Utilities and Heating Fuel
 113.250 Laundry
 113.251 Telephone
 113.252 Transportation, Lunches, Special Fees
 113.253 Allowances for Increase in SSI Benefits
 113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
 113.255 Sheltered Care in a Licensed Group Care Facility
 113.256 Shopping Allowance
 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
 113.258 Home Delivered Meals
 113.259 AABD Fuel and Utility Allowances By Area
 113.260 Sheltered Care Rates
 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

SUBPART E: OTHER PROVISIONS

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
 113.300 Persons Who May Be Included In the Assistance Unit
 113.301 Grandfathered Cases
 113.302 Interim Assistance
 113.303 Special Needs Authorizations
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.320 Redetermination of Eligibility

SUBPART F: INTERIM ASSISTANCE

Section
 113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application
 113.410 More Likely Than Not Eligible for SSI
 113.415 Non-Financial Factors of Eligibility
 113.420 Financial Factors of Eligibility
 113.425 Payment Levels for Chicago Interim Assistance Cases
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago
 113.435 Medical Eligibility
 113.440 Attorney's Fees for SSI Applicants
 113.445 Advocacy Program for Persons Receiving Interim Assistance
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13) [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 2447, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2487, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 1144, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days, emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1996; amended at 19 Ill. Reg. 2345, effective FEB 24 1995

Section 113.140 Assets

- a) The value of non-exempt nonexempt assets shall be considered in determining eligibility for an assistance payment.
- b) The entire equity value of jointly held assets shall be considered in determining eligibility for an assistance payment, unless:
- 1) The asset is a joint income tax refund; or
 - 2) The client documents that the client ~~has~~ does not have access to the asset. Appropriate documents may include, but are not limited to, bank documents, signature cards, trust documents, divorce papers, and papers from court proceedings; or
 - 3) The asset is held jointly with a client or clients ~~clients~~ of any Illinois Department of Public Aid program, other than Food Stamps; or
 - 4) The client can document the amount of his legal interest in the asset, and that such amount is less than the entire value of the asset, then the documented amount shall be considered. Appropriate documentation, may include, but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders; or
 - 5) The client documents that the asset or a portion of the asset is not owned by the client and the client's accessibility to the asset is changed. (See subsections (b)(2) and (4) above for documentation examples.)
- c) Trusts for residents of long term care facilities shall be treated as described in 89 Ill. Adm. Code 120.347.
- d) Provisions for the transfer of property (for example, assets) for residents of long term care facilities shall be treated as described in 89 Ill. Adm. Code 120.386 and 120.387.
- e) The value of a life estate shall be determined at the time the life estate in the property is established and at the time the property (for example, assets) is liquidated. In determining the value of the life estate and remainder interest based on the value of the property at the time the life estate is established or on the amount received when the property is liquidated, the Department shall apply the values described in 89 Ill. Adm. Code 120.386 and 120.387. The life estate and remainder interest are based on the age of the person at the time the life estate in the property is established and at the time the property is liquidated and the corresponding values described in 89 Ill. Adm. Code 120.386 and 120.387.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. 2875, effective FEB 24 1995)

Section 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)

- a) The provisions for the transfer of property (irrevocable) listed below apply to residents of long-term care facilities who apply for assistance on or after October 1, 1989, regardless of the date of the transfer and to residents whose application is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.
- b) These provisions for the transfer of property (irrevocable) listed below apply to a resident's spouse when the resident applies for assistance on or after June 1, 1997, if the transfer occurs on or after December 27, 1997, and to a resident's spouse when the resident's application is filed prior to June 1, 1997, if the transfer occurs on or after June 1, 1997.
- c) The provisions for the transfer of property (revocable) listed in subsections (d) and (f) below do not apply to eligibility determinations for individuals who reside in the community.
- d) A transfer of assets occurs when a resident of a long-term care facility or the resident's spouse buys, sells, or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.
- e) A transfer is allowable if:
- 1) the transfer occurred more than thirty (30) months before the date of application or more than thirty (30) months before entry into the long-term care facility;
 - 2) the transfer by the resident's spouse occurred prior to December 27, 1997;
 - 3) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;
 - 4) homestead property was transferred to:
 - A) a spouse;
 - B) the individual's child who is under age 21;
 - C) the individual's child who is blind or permanently and totally disabled;
 - D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one (1) year immediately prior to the date the individual entered the facility; or
 - E) the individual's child who provided care for the individual and who was residing in the homestead property for two (2) years immediately prior to the date the individual entered

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 5) the transfer by the resident was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance as of October 17, 1989, is an amount up to but not greater than \$60,000 that the resident may transfer without affecting eligibility to the community spouse or to another individual for the sole benefit of the community spouse. As of October 17, 1989, the amount of assets a resident may transfer to his or her community spouse is \$60,000 minus any non-exempt assets of the community spouse. The amount established as the Community Spouse Asset Allowance shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The Community Spouse Asset Allowance is subject to the following qualifiers:
 - A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance (as described at 09-111-Adm-120-61) as determined by a fair hearing, or
 - B) The amount transferred under a court order to the community spouse.
- 6) the transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child.
- 7) the individual intended to transfer the assets for fair market value.
- 8) it is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to situations in which:
 - A) the resident is mentally unable to explain how the assets were transferred;
 - B) the denial of assistance would force the resident to move from the long-term care facility; or
 - C) the individual would be prohibited from joining a spouse in a facility or would prohibit the individual from entering a facility that is within close proximity to his/her family.
- 9) the transfer was made exclusively for a reason other than to qualify for assistance. A transfer for less than fair market value is presumed to have been made to qualify for assistance unless a satisfactory showing is made to the Department that the client or spouse transferred the asset exclusively for a reason other than to qualify for assistance.
- 10) the transfer by the resident was to the community spouse and was the result of a court order.
- 11) transfers of assets which do not meet the provisions of subsection (e) are considered as a single transfer of the total amount of assets with the period of ineligibility determined in accordance with subsection

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- (g) If the transfer does not meet the provisions of subsection (e), the resident is ineligible beginning with the month of the first transfer and until whichever occurs first:
 - 1) the number of months the total uncompensated amount of the transferred assets would meet the monthly cost of long-term care (private rate) at the facility; or
 - 2) thirty (30) months from the month of the first transfer.
- (Source: Repealed at 19 Ill. Reg. 2875, effective 12/24/1995)

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Assistance Standards
- 2) Code Citation: 89 Ill. Adm. Code 111
- 3) Section Number: Adopted Action:
111.101
Amendment
- 4) Statutory Authority: Sections 12-4.11 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.11 and 12-13) [305 ILCS 5/12-4.11 and 12-13]
- 5) Effective Date of Amendments: February 24, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 25, 1995
- 9) Notice of Proposal Published in Illinois Register:
October 28, 1994 (18 Ill. Reg. 15707)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: In the AUTHORITY, "3, 4, 6, and 5/" were deleted from the ILCS cite and replaced by "III, IV and VI and".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking increases the Department's Assistance Standards in accordance with the methodology established in Section 111.20. The Public Aid Code requires that the Assistance Standards be updated every January based on the increase in the Consumer Price Index (CPI) for the previous fiscal year. The CPI increase for the period June 1993 through June 1994 was 2.4%. The amount of the increase to be effective January 1, 1995, based on this methodology, is 2.4%.

16) Information and questions regarding these Adopted Amendments shall be directed to:

ADMITTED TO PUBLIC

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Name: Judy Umunna
Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

1 (All Other Programs)

PART 111
ASSISTANCE STANDARDS

Section

- 111.1 Incorporation By Reference
111.10 Establishment of Assistance Standards
111.20 Computation of the Assistance Standards
111.30 Amount of Assistance Standards (Family of 1)
111.40 Amount of Assistance Standards (Family of 2)
111.50 Amount of Assistance Standards (Family of 3)
111.60 Amount of Assistance Standards (Family of 4)
111.70 Amount of Assistance Standards (Family of 5)
111.80 Amount of Assistance Standards (Family of 6)
111.90 Amount of Assistance Standards (Family of 7 thru 18)
111.100 Amount of Assistance Standards (Child-Only Cases) (Repealed)
111.101 Current Assistance Standards
111.110 Adjustments Following Court Orders

AUTHORITY: Implementing Articles III, IV and VI and authorized by Sections 12-4.11 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq., 12-4.11 and 12-13) [305 ILCS 5/Arts. III, IV and VI, and 12-4.11 and 12-13].

SOURCE: Filed and effective December 30, 1977; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended at 8 Ill. Reg. 223, effective December 27, 1983; amended at 9 Ill. Reg. 295, effective January 1, 1985; amended at 10 Ill. Reg. 1920, effective January 17, 1986; amended at 11 Ill. Reg. 2297, effective January 16, 1987; amended at 12 Ill. Reg. 871, effective January 1, 1988; amended at 13 Ill. Reg. 85, effective January 1, 1989; amended at 13 Ill. Reg. 3840, effective March 10, 1989; amended at 15 Ill. Reg. 1029, effective January 23, 1991; amended at 16 Ill. Reg. 11577, effective July 15, 1992; amended at 17 Ill. Reg. 3213, effective March 1, 1993; amended at 18 Ill. Reg. 2029, effective January 21, 1994; amended at 18 Ill. Reg. 7009, effective April 27, 1994; amended at 19 Ill. Reg. 2886, effective FEB 24 1995.

Section 111.101 Current Assistance Standards

Table with columns: Family Size, Group I, Group II, Group III, 1(AFDC and Refugee/Repatriate Assistance) \$ 514526 \$ 495506 \$ 420430

Table with columns: 1 (All Other Programs), 400409, 674690, 915936, 10041028, 11771205, 13221353, 14911424, 14651500, 15411577, 16241662, 17101751, 17991842, 18951940, 19952042, 21012151, 22122265, 23292384, 24522510

Child-Only

Table with columns: 1, 247252, 487498, 604618, 774792, 919941, 963986, 9871010, 10361060, 11301165, 12211250, 13061337, 13971430, 14911526

For family sizes greater than 18 or 12, the amount of the Assistance Standard will be determined by adding \$103 or \$80 respectively for each person above 18 or 12. All rounding in determining Assistance Standards is done by rounding down to the next whole dollar amount.

(Source: Amended FEB 24 1995) 19 Ill. Reg. 2886 effective

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Developmental Disabilities Service
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Number: Proposed Action:
144.Table B Amendment
- 4) Statutory Authority: Sections 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: February 22, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 22, 1995
- 9) Notice of Proposal Published in Illinois Register: November 14, 1994 (18 Ill. Reg. 16521)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the proposed amendments.
- The cross reference in subsection (d)(3) has been revised to read "(as in subsection (d)(2) above)".
- Subsection (i)(3) has been revised to read "Purposeful attack of others that causes superficial injury or injuries requiring medical attention."
- In subsections (k)(2) and (3), blank and underlined spaces have been added to the left of the spaces under the column labeled "day", as follows:
- (2) Has an alcohol dependency. _____
- (3) Is addicted to a controlled substance. _____
- In subsection (s)(2), the beginning of the first sentence has been revised to read "Collects or locates flammable materials, such as paper or leaves, to use in setting small fires;".
- In subsection (t)(3), the comma following "oneself" has been stricken.
- No other changes have been made in the text of the proposed amendments.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|------------------------------------|
| 144.275 | Amendment | January 17, 1995 (19 Ill Reg 1717) |
- 15) Summary and Purpose of Amendments: These revisions to the Staff Intensity Scale of Maladaptive Behaviors found in Table B are necessary because the information contained in this Section is not complete. Table A, which contains companion material to Table B, addresses 24 categories of maladaptive behaviors sometimes demonstrated by persons with developmental disabilities. Table B is the intensity scale which is utilized as a rating system by health facility surveyors, to evaluate the 24 behavior areas found in Table A. However, Table B contains only 16 of these areas of maladaptive behaviors because eight of the behavior areas were inadvertently omitted when Section 144.Table B was previously adopted. These amendments are intended to correct that area.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:
- Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-3215
- The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER d: MEDICAL PROGRAMS
 PART 144
 DEVELOPMENTAL DISABILITIES SERVICES

Section	Incorporation By Reference
144.1	Determination of Program (Active Treatment) Costs
144.5	Active Treatment Service Requirements in Residential Facilities for Individuals with Developmental Disabilities
144.25	Inspection of Care (IOC) Review Criteria for the Evaluation of Active Treatment Services in Residential Facilities for Individuals with Developmental Disabilities
144.50	Comprehensive Functional Assessments and Reassessments
144.75	Interdisciplinary Team (IDT)
144.100	Individual Program Plan (IPP)
144.105	Specialized Care - Behavior Development Programs
144.125	Specialized Care - Health and Sensory Disabilities
144.150	Functional Needs
144.175	Service Needs - Medical Care
144.200	Service Needs - Medical and Therapy Services
144.205	Individual Rights
144.225	Resident Funds
144.230	Discharge Planning/Maximum Growth Potential Plan
144.250	Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities
144.275	Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities
144.300	Capital Rate Calculation
144.325	Overview of Staff Intensity Scale of Maladaptive Behaviors
TABLE A	Staff Intensity Scale
TABLE B	IPP Outcomes
TABLE C	Guidelines for Determining Levels of Functioning
TABLE D	Standardized Adaptive Functional Assessment
TABLE E	

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI, VII and 12-13]

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3497, effective February 28, 1992; amended at 16 Ill. Reg. 5898, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

March 20, 1992; amended at 17 Ill. Reg. 8478, effective June 1, 1993; amended at 17 Ill. Reg. 11480, effective July 16, 1993; emergency amendment at 17 Ill. Reg. 15126, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; emergency amendment repealed at 17 Ill. Reg. 22582, effective December 20, 1993; emergency amendment at 18 Ill. Reg. 11314, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16619, effective October 27, 1994; amended at 19 Ill. Reg. _____, effective _____.

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Section 144. TABLE B Staff Intensity Scale

Client Name _____ Client Identification _____

Residential Facility _____ Client Birthdate _____

Day Program _____ Assessment Date _____

Assessor _____

Once or More Per:
Day Week Month Year

a) Coercive Sexual Behavior

- 1) Touches or grabs others' genitals without their consent and/or is aggressively affectionate but will cease engaging in behavior(s) upon request.
 - 2) Intimidates (without injuring) another to engage in sexual behaviors not including penetration of bodily orifices.
 - 3) Intimidates (without injuring) another to engage in sexual behaviors including penetration of bodily orifices.
 - 4) Injures victim in the course of a sexual attack which may or may not include penetration of bodily orifices.
- Once or More Per:
Day Week Month Year

b) Offensive Bodily Exposure

- 1) Engages in partial or full nudity or genital exposure in view of others
- Once or More Per:
Day Week Month Year

in inappropriate locations within the treatment setting only.

- 2) Exposes self (not including genitals) in a manner offensive to others when outside the treatment setting.

- 3) Exposes self (including genitals) in a manner offensive to others when outside the treatment setting.

c) Suicide Threats and Attempts (These behaviors imply purposeful suicidal action as opposed to self-injurious actions or pica behavior devoid of conscious suicidal intent.)

- 1) Threatens to commit suicide, may or may not be specific how and does not attempt to injure self (e.g., states, "I'm going to kill myself," but does not follow statement with action).
- 2) Purposefully engages in behavior that could be fatal, with or without precursory threats, but discontinues behavior upon verbal intervention without injuring self.
- 3) Purposefully engages in behavior that could be fatal, with or without precursory threats. Injures self, or is pre-

Once or More Per:
Day Week Month Year

Once or More Per:
Day Week Month Year

Handwritten note: 2894 & 2895

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

vented from self-injury only by physical staff intervention.

or intimidating) or content, whether obscene or not; may yell or scream threats of violence without designating a specific person as a target.

Once or More Per:
Hr. 4 Hrs. Day Week Month

d) Pica

- 1) Mouthing and licking of non-food objects or compulsive and excessive eating and/or drinking of food and liquids.

- 3) Directly and explicitly threatens specific others with physical harm or violence.

Once or More Per:
Day Month 6 Mo.

2)

- Consumption of non-food objects in volume small enough to be not life-threatening, e.g., small pieces of rubber, plastic or fabric, soil, small nuts and bolts, grass, etc.

f) Mania

- †† Engages in constant activity marked by bizarre behavior, incoherent speech and a nasty response if ignored or crossed.

3)

- Consumption of life-threatening materials such as paint, cleaning compounds, soap, boiling liquids, sharp objects, large objects that may cause alimentary blockages, or small objects (as in subsection (d))(2) # above) in large enough volume to be life-threatening.

Once or More Per:
Day Month 6 Mo.

g) Inappropriate Affect

- †† Displays emotional tone that is incongruent in general form or degree, with the idea, object or thought accompanying it. Lack of emotional tone ("flat" affect) or incongruent and changing emotional tone ("labile" affect).

Once or More Per:
Day Week Month

e) Verbal Abuse

- 1) Uses mocking and teasing ~~teasing~~ teasing language.
- 2) Uses language hostile in tone (e.g., sarcastic

Once or More Per:
Day Week Month

h) Manipulative Behavior

- 1) Circumvents authority by asking successive individuals in authority the same question/request

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

until receiving the desired answer or permission.

2) Exchanges items of unequal values to own benefit, e.g., trading a candy bar to get a coat.

3) Lies about others to get them into trouble or to obtain a self-serving goal; or uses another person as an agent to perform unlawful, unacceptable or dangerous acts.

1) Takes others' belongings of little or no monetary value or importance - may be indicative of hoarding.

2) Steals for personal use; or steals belongings of moderate or greater monetary value or importance (advance planning is involved); may barter or sell goods taken.

k) Substance Abuse

i) Physical Assault

1) Uses alcohol or non-addictive substances to become intoxicated.

2) Has an alcohol dependency.

3) Is addicted to a controlled substance.

1) Light striking, kicking, pushing of others that is purposeful, but does not appear to cause pain to that target person.

2) Purposeful attack of others that causes reddening of the skin of the target person.

3) Purposeful attack of others that causes superficial ~~injury~~ injury or injuries requiring medical attention.

4) Attacks with intent to cause severe injury (e.g., broken bones) using potentially lethal force with or without use of weapon.

Persons who use tobacco products or alcohol at levels that do not produce intoxication should not be scored on this item.

Check box if condition is present regardless of frequency.

1) Extreme Irritability

1) Acts fretful or annoyed in an overly reactive manner to an extent that interferes with own social functioning and/or upsets others.

Once or More Per:
Day Week Month

Once or More Per:
4 Hrs. Day Week Month

Once or More Per:
Day Week Month

Once or More Per:
Day Week Month

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

2) Displays anger in an overly reactive manner that staff perceive as potentially resulting in physical aggression.

Once or More Per:
Min. Hour 4 Hrs. Day

m) Hyperactivity

1) Moves about area continuously in a somewhat predictable and moderately-paced manner.

2) Moves around area continuously in a seemingly random and very rapid manner.

3) Bounces up and down or is in and out of chair/place/work station continuously.

Once or More Per:
Day Week Month

n) Temper tantrums

1) Makes inconsequential verbal threats and/or cries loudly, jumps up and down or stamps feet when angered.

2) Threatens others physically when upset and/or curses and kicks or hits objects briefly.

3) Yells loudly, thrashes about, kicks, cries and presents what appears to be an imminent danger to others.

Once or More Per:
Day Week Month 6 Mo.

o) Wanders, Roams, Runs Away

1) Wanders away from immediate

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

supervision but returns when called.

2) Runs away or wanders out of sight and does not return when called even though still within hearing distance.

3) Sneaks away for hours or longer.

Once or More Per:
Week

p) Depression or Excessive Withdrawal

1) Is under-responsive to normal social interactions; inactive; may be quiet and unusually passive.

2) Rejects contact with others; refuses formerly preferred reinforcers; may be inactive, quiet, and passive; refuses to eat.

Once or More Per:
Day Month 6 Mo. Year

q) Hallucinations

Talks or acts as if experiencing sensory events that others do not (e.g., hearing voices) at various times and places and to an extent that it disrupts or interferes with socially adaptive responses.

Once or More Per:
Day Month 6 Mo. Year

r) Delusions

Talks about ideas and events that have no basis in fact and, in spite of evidence to the contrary, to an extent that it disrupts or interferes with his or her socially adaptive responses.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Day Week Once or More Per: Month 6 Mo. Year

s) Fire-Setting

1) Plays with matches, open flames and/or cigarette lighters. May have accidentally set objects on fire; potential small danger to self or others.

2) Collects or locates flammable materials, such as paper or leaves, to use in setting small fires; or starts fires in contained vessels, such as waste-baskets, garbage cans. Overall potential moderate danger to others.

3) Sets a large fire, such as a bed or draperies, which has the potential for burning a room or a building; may or may not use an accelerant.

t) Self-Injurious Actions

1) Purposefully inflicts a blow or bite to self that causes reddening of the skin.

2) Purposefully inflicts a blow or bite to self that causes superficial injury requiring medical attention.

3) Purposefully inflicts on oneself a blow that causes severe injury (e.g., broken bone) or a bite that removes a large amount of tissue.

Once or More Per:
Min. 4 Hrs. Day

Once or More Per:
4 Hrs. Day Week

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

u) Handles/Plays With Bodily Wastes

1) Plays with or touches rectum or genitals; small amount of fecal materials or urine found on hands.

2) Smears feces or urine on own clothing and body; hoards feces on person or in room.

3) Smears feces or urine on others or on nearby objects.

4) Eats feces or urine.

Once or More Per:
Day Week Month 6 Mo.

v) Property Destruction (excluding firesetting). (Please note that the primary maladaptation here is property destruction rather than self-injurious actions or assaults that may also cause property destruction.)

1) Purposefully damages own or others' property resulting in a projected negligible or minor repair/replacement cost.

2) Purposefully damages own or others' property with a projected major repair/replacement cost.

Once or More Per:
Day Week Month

ow) Resists Supervision

1) Will not comply with staff request to act in a considerate manner (e.g., plays radio too loud, cuts in line) or refuses to comply with staff instructions to correct behavior.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

iors or engage in behaviors affecting self in a minor way (e.g., will not bathe regularly, will not brush teeth).

2) Refuses to comply with demands to cease behavior or to cooperate, thus significantly disrupting ongoing activities or the living unit in general.

3) Refuses to cease behavior constituting imminent and significant danger to self and others.

Once or More Per: Min. Hour 4 Hrs. Day

px) Stereotypical Behavior

† Repetitive motor or verbal activity, including self-stimulation, which does not serve meaningful purposes (e.g., string twirling, bizarre limb or body movements, rocking, repeated verbalizations; DOES NOT INCLUDE self injurious behavior or masturbation).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Medical Assistance Programs

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Adopted Action:

- 120.346 Amendment
120.347 New Section
120.380 Amendment
120.386 Amendment
120.387 New Section
120.TABLE A New Section
120.TABLE B New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 ILCS 5/12-13] and OBRA '93 (PL 103-66).

5) Effective Date of Amendments: February 27, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 27, 1995

9) Notice of Proposal Published in Illinois Register: October 7, 1994 (18 Ill. Reg. 14830)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The following changes were made to the proposed amendments:

1. New topic "120.TABLE B "Life Expectancy" was added at the end of the Table of Contents.

2. In the AUTHORITY, "5/12-13" was changed to "12-13" and a period was added at the end of the AUTHORITY.

3. In Section 120.347(f)(2), the comma was deleted.

4. Section 120.380(g) was revised as follows:

The value of a life estate shall be determined at the time the life estate in the property is established and at the time the property (for example, assets) is liquidated. In determining the value of a life estate and remainder

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

interest based on the value of the property at the time the life estate is established or of the amount received when the property is liquidated, the Department shall apply the values described in Section 120.386(a). The life estate and remainder interest are based on the age of the person at the time the life estate in the property is established and at the time the property is liquidated and the corresponding values described in Section 120.386(a).

5. In Section 120.386(a)(2), "below" was replaced with "of this Section."
6. In Section 120.386(b), "resident spouse" was changed to "resident's spouse".

7. The following was added at the end of Section 120.386(b):

Changing ownership of property to a life estate interest is an asset transfer (the value of the life estate and remainder interest is determined as described in Section 120.380 and 89 Ill. Adm. Code 113.140). A transfer occurs when an action or actions are taken which would cause an asset or assets not to be received (for example, waiving the right to receive an inheritance).

8. In Sections 120.386(c)(4)(E) and 120.386(c)(5)(B), ";" was replaced with ".".
9. The period at the end of Section 120.386(c)(10) was replaced by "; or".

10. New Section 120.386(11) was added as follows:

11) the transfer was to an annuity and the expected return on the annuity is commensurate with the estimated life expectancy of the person. In determining the estimated life expectancy of the person, the Department shall use the life expectancy table described in Section 120.386(b).

11. Section 120.386(d) has been revised as follows:

If a transfer or transfers do not meet the provisions of subsection (c), the resident is subject to a period of ineligibility for long term care services. The penalty period is determined in accordance with subsection (e). If otherwise eligible, residents remain entitled to other covered medical services.

12. Section 120.386(e) has been revised as follows:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

A separate penalty period is determined for each month in which a transfer or transfers do not meet the provisions of subsection (c). Each penalty period is the lesser of the number of months the total uncompensated amount of the transferred assets would meet the monthly cost of long term care (private rate) at the facility or 30 months.

13. Section 120.386(f) has been added as follows:

The penalty period begins with the month of the transfer or transfers unless the transfer or transfers occurred during a previous penalty period. If so, the penalty period begins with the month following the month the previous penalty period ends. However, the penalty period cannot exceed 30 months from the month of the transfer or transfers.

14. Section 120.387(d) has been revised as follows:

A transfer of assets occurs when a resident of a long term care facility or the resident's spouse buys, sells or gives away real or personal property or changes (for example, change from joint tenancy to tenancy in common) the way property is held. Changing ownership of property to a life estate interest is an asset transfer (the value of the life estate and remainder interest is determined as described at Section 120.380 and 89 Ill. Adm. Code 113.140). For assets held in joint tenancy, tenancy in common or similar arrangement, a transfer occurs when an action by any person reduces or eliminates the person's ownership or control of the asset. A transfer occurs when an action or actions are taken which would cause an asset or assets not to be received (for example, waiving the right to receive an inheritance).

15. Section 120.387(e)(13) was added as follows:

13) the transfer was to an annuity and the expected return on the annuity is commensurate with the estimated life expectancy of the person. In determining the estimated life expectancy of the person, the Department shall use the life expectancy table described in Section 120.386(b).

16. 120.386(a) "Value of a Life Estate and Remainder Interest" was totally revised.

17. 120.386(b) "Life Expectancy" was added.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect? No

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments implement provisions of OBRA '93 (P.L. 103-66) relating to the treatment of revocable and irrevocable trusts and the transfer of assets for persons residing in long term care facilities. This rulemaking also establishes the procedures used to determine the value of a life estate and remainder interest at the time the property is liquidated.

Treatment of Trusts

These amendments define a trust as any arrangement in which a grantor transfers property to a trustee or trustees with the intention that it be held, managed or administered by the trustee or trustees for the benefit of the grantor or designated beneficiaries. A trust also includes any legal instrument or device that is similar to a trust, including an annuity.

A person is considered to have established a trust if assets of the person were used to form all or part of the principal of the trust and the trust is established (other than by will) by any of the following:

- 1) the person;
- 2) the person's spouse; or
- 3) any other person, including a court or administrative body, with legal authority to act on behalf of or at the direction of the person or the person's spouse.

For revocable trusts, the Department will:

- 1) treat the principal as an available asset;
- 2) treat as income, payments from the trust that are made to or for the benefit of the person; and
- 3) treat any other payments from the trust as transfers of assets by the person (subject to the provisions of Section 120.387).

For irrevocable trusts, the Department will:

- 1) treat as an available asset the amount of the trust from which payment to or for the benefit of the person could be made;
- 2) treat as income payments from the trust that are made to or for the benefit of the person;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 3) treat any other payments from the trust as transfers of assets by the person (subject to the provisions of Section 120.387); and
- 4) treat as a transfer of assets by the person the amount of the trust from which no payment could be made to the person under any circumstances (subject to the provisions of Section 120.387). The date of the transfer is the date the trust was established or, if later, the date that payment to the person was foreclosed. The amount of the trust is determined by including any payments made from the trust after the date that payment to the person was foreclosed.

Value of Life Estate and Remainder Interest

As a result of these amendments, in determining the value of the life estate and remainder interest of the amount received, the Department will apply the values listed in 89 Ill. Adm. Code 120.387. The life estate and remainder interest are based on the age of the person at the time the property is liquidated and the corresponding values described in 89 Ill. Adm. Code 120.387.

Property Transfers Occurring On or After August 11, 1993 for Residents of Long Term Care Facilities

These amendments establish that a transfer of assets occurs when a resident of a long term care facility or the resident's spouse buys, sells or gives away real or personal property or changes the way property is held. For assets held in joint tenancy, tenancy in common or similar arrangement, a transfer occurs when an action by any person reduces or eliminates the persons ownership or control of the asset. This rulemaking also sets out the criteria used to determine that a transfer is allowable.

If it is determined that the transfer or transfers do not meet certain provisions, the resident will be subject to a period of ineligibility for long term care services. If otherwise eligible, residents remain entitled to other covered medical services.

A separate penalty period is determined for each month in which a transfer or transfers do not meet the specified provisions. Each penalty period is the number of months equal to the total uncompensated amount of assets transferred during a month divided by the monthly cost of long term care (private rate) at the facility. The penalty period begins with the month of the transfer or transfers unless the transfer or transfers occurred during a previous penalty period. If so, the penalty period begins with the month following the month the previous penalty period ends.

For transfers by the community spouse that result in a period of ineligibility for long term care services as described in Section

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

120.387(g) and the community spouse enters a long term care facility and becomes otherwise eligible for assistance, the Department will divide any remaining period of ineligibility for long term care services equally between the spouses.

Companion amendments were also proposed in Section 113.140.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section 120.11

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section 120.10
120.11

Eligibility For Medical Assistance
Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

120.12

Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women

120.20

MANG(AABD) Income Standard

120.30

MANG(C) Income Standard

120.31

MANG(P) Income Standard

120.40

Exceptions To Use Of MANG Income Standard

120.50

AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities

120.62

Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

120.63

Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings

120.64

Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

120.65

Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
 120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
 120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
 120.73 Eligibility for Medical Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
 120.74 Qualified Medicare Beneficiary (QMB) Income Standard
 120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standard
 120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
 120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
 120.90 Migrant Medical Program
 120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
 120.200 Elimination of Aid to the Medically Indigent
 120.208 Client Cooperation (Repealed)
 120.210 Citizenship (Repealed)
 120.211 Residence (Repealed)
 120.212 Age (Repealed)
 120.215 Relationship (Repealed)
 120.216 Living Arrangement (Repealed)
 120.217 Supplemental Payments (Repealed)
 120.218 Institutional Status (Repealed)
 120.224 Foster Care Program (Repealed)
 120.225 Social Security Numbers (Repealed)
 120.230 Unearned Income (Repealed)
 120.235 Exempt Unearned Income (Repealed)
 120.236 Education Benefits (Repealed)
 120.240 Unearned Income In-Kind (Repealed)
 120.245 Earmarked Income (Repealed)
 120.250 Lump Sum Payments and Income Tax Refunds (Repealed)
 120.255 Protected Income (Repealed)
 120.260 Earned Income (Repealed)
 120.261 Budgeting Earned Income (Repealed)
 120.262 Exempt Earned Income (Repealed)
 120.270 Recognized Employment Expenses (Repealed)
 120.271 Income From Work/Study/Training Program (Repealed)
 120.272 Earned Income From Self-Employment (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

120.273 Earned Income From Roomer and Boarder (Repealed)
 120.275 Earned Income In-Kind (Repealed)
 120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
 120.280 Assets (Repealed)
 120.281 Exempt Assets (Repealed)
 120.282 Asset Disregards (Repealed)
 120.283 Deferral of Consideration of Assets (Repealed)
 120.284 Spend-down of Assets (AMI) (Repealed)
 120.285 Property Transfers (Repealed)
 120.290 Persons Who May Be Included in the Assistance Unit (Repealed)
 120.295 Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
 120.308 Client Cooperation
 120.309 Caretaker Relative
 120.310 Citizenship
 120.311 Residence
 120.312 Age
 120.313 Blind
 120.314 Disabled
 120.315 Relationship
 120.316 Living Arrangements
 120.317 Supplemental Payments
 120.318 Institutional Status
 120.319 Assignment of Rights to Medical Support and Collection of Payment
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
 120.324 Health Insurance Premium Payment (HIPP) Program
 120.325 Health Insurance Premium Payment (HIPP) Pilot Program
 120.326 Foster Care Program
 120.327 Social Security Numbers
 120.330 Unearned Income
 120.332 Budgeting Unearned Income
 120.335 Exempt Unearned Income
 120.336 Education Benefits
 120.338 Incentive Allowance
 120.340 Unearned Income In-Kind
 120.342 Court Ordered Child Support Payments of Parent/Step-Parent
 120.345 Earmarked Income
 120.346 Medicaid Qualifying Trusts

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- 120.347 Treatment of Trusts
- 120.350 Lump Sum Payments and Income Tax Refunds
- 120.355 Protected Income
- 120.360 Earned Income
- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In Kind
- 120.376 Payments from the Illinois Department of Children and Family Services
- 120.379 Assessment of Assets
- 120.380 Assets
- 120.381 Exempt Assets
- 120.382 Asset Disregard
- 120.383 Deferral of Consideration of Assets
- 120.384 Spend-down of Assets (MANG)
- 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
- 120.386 Property Transfers Occurring On or Before August 10, 1993
- 120.387 Property Transfers Occurring On or After August 11, 1993
- 120.390 Persons Who May Be Included In the Assistance Unit
- 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-WANG and Children Born October 1, 1983, or Later
- 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-WANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 120.393 Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
- 120.395 Payment Levels for MANG
- 120.399 Redetermination of Eligibility

TABLE A Value of a Life Estate and Remainder Interest

TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI and VII and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill.

Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill.

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12459, effective July 10, 1987 for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20895, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; amended at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective July 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendments at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective

January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2919, effective

FEB 27 1995

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.346 Medicaid Qualifying Trusts

- a) This Section applies to trusts established prior to August 11, 1993.
b) The maximum amount of payment permitted under the terms of a Medicaid qualifying trust (described in subsection (c) (b) below) shall be considered in determining eligibility for medical assistance, whether or not the maximum amount was distributed to the individual. The maximum amount is considered in determining eligibility for medical assistance, whether or not the trust is irrevocable or established for reasons other than to qualify for Medicaid.
c) A Medicaid qualifying trust is a trust, or similar legal device, established (other than by will) by an individual (or an individual's spouse) under which the individual may be the beneficiary of all or part of the payments from the trust and the distribution of such payments is determined by one or more trustees who are permitted to exercise any discretion with respect to the distribution to the individual.

(Source: Amended at 19 Ill. Reg. 1595)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 120.347 Treatment of Trusts

- a) This Section applies to trusts established on or after August 11, 1993.
- b) A trust is any arrangement in which a grantor transfers property to a trustee or trustees with the intention that it be held, managed or administered by the trustee or trustees for the benefit of the grantor or designated beneficiaries. A trust also includes any legal instrument or device that is similar to a trust, including an annuity.
- c) A person shall be considered to have established a trust if assets of the person were used to form all or part of the principal of the trust and the trust is established (other than by will) by any of the following:
- 1) the person;
 - 2) the person's spouse; or
 - 3) any other person, including a court or administrative body, with legal authority to act on behalf of or at the direction of the person or the person's spouse.

d) This Section does not apply to the following trusts:

- 1) an irrevocable trust containing assets of a disabled person (as described in Section 120.314) under age 65 that is established by a parent, grandparent, legal guardian or court for the benefit of the disabled person, if language contained in the trust stipulates that any amount remaining in the trust (up to the amount expended by the Department on medical assistance) shall be paid to the Department upon the death of the person. This exclusion continues after the person reaches age 65 as long as the person continues to be disabled but any additions made by the person to the trust after age 65 will be treated as a transfer of assets under 89 Ill. Adm. Code 120.387. If the trust contains proceeds from a personal injury settlement, any Department charge (as described at 89 Ill. Adm. Code 102.260) must be satisfied in order for the trust to be excluded under this subsection; or
 - 2) an irrevocable trust containing assets of a disabled person (as described in Section 120.314) that is established and managed by a non-profit association that pools funds but maintains a separate account for each beneficiary that is established by a parent, grandparent, legal guardian or court for the benefit of the disabled person, if language contained in the trust stipulates that any amount remaining in the trust (up to the amount expended by the Department on medical assistance) that is not retained by the trust shall be paid to the Department upon the death of the person.
- e) Subsections (f) and (g) below apply to the portion of the trust attributable to the person and without regard to:
- 1) the purpose for establishment of the trust;
 - 2) whether the trustee has or exercises any discretion under the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 3) whether there are any restrictions on distributions or use of distributions from the trust.
- f) For revocable trusts, the Department shall:
- 1) treat the principal as an available asset;
 - 2) treat as income payments from the trust that are made to or for the benefit of the person; and
 - 3) treat any other payments from the trust as transfers of assets by the person (subject to the provisions of Section 120.387).
- g) For irrevocable trusts, the Department shall:
- 1) treat as an available asset the amount of the trust from which payment to or for the benefit of the person could be made;
 - 2) treat as income payments from the trust that are made to or for the benefit of the person;
 - 3) treat any other payments from the trust as transfers of assets by the person (subject to the provisions of Section 120.387); and
 - 4) treat as a transfer of assets by the person the amount of the trust from which no payment could be made to the person under any circumstances (subject to the provisions of Section 120.387).
- The date of the transfer is the date the trust was established or, if later, the date that payment to the person was foreclosed. The amount of the trust is determined by including any payments made from the trust after the date that payment to the person was foreclosed.

(Source: Added, 19 Ill. Reg. 2905 1, effective February 7, 1995)

Section 120.380 Assets

- a) The value of nonexempt assets shall be considered in determining eligibility for MANG.
- b) MANG(C) -- Treatment of jointly held assets for AFDC MANG shall be treated in the same manner as described in 89 Ill. Adm. Code 112.150.
- c) AABD MANG -- Treatment of jointly held assets for AABD MANG shall be treated in the same manner as described in 89 Ill. Adm. Code 113.140.
- d) MANG(P) -- Treatment of non-exempt nonexempt jointly held assets (excess equity value of motor vehicle, liquid assets such as cash on hand or in banks and savings institutions, stocks, bonds, savings certificates and other securities) shall be treated in the same manner as described in 89 Ill. Adm. Code 112.150.
- e) Treatment of potential payments from a Medicaid qualifying trust for AABD MANG and AFDC MANG(C) shall be treated in the same manner as described in Section 120.346.
- f) Trusts established on or after August 11, 1993, shall be treated in the manner described in Section 120.347.
- g) The value of a life estate shall be determined at the time the life estate in the property is established and at the time the property

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

(for example, assets) is liquidated. In determining the value of a life estate and remainder interest based on the value of the property at the time the life estate is established or on the amount received when the property is liquidated, the Department shall apply the values described in Section 120.386 A. The life estate and remainder interest are based on the age of the person at the time the life estate in the property is established and at the time the property is liquidated and the corresponding values described in Section 120.386 A.

(Source: Amended at 19 Ill. Reg. 2905, effective FEB 27 1995)

Section 120.386 Property Transfers Occurring On or Before August 10, 1993

- a) Applicability
- 1) The provisions for the transfer of property (for example, assets) in this Section apply to residents of long term care facilities who apply for Medicaid on or after October 1, 1989, regardless of the date of the transfer and to residents whose application for Medicaid is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.
 - 2) Transfers of property disregarded as a result of payments made by a Long-Term Care Partnership Insurance Policy (as described in 50 Ill. Adm. Code 2018) are not subject to the provisions of subsection (b), (c), and (d) below of this Section.
 - 3) The provisions for the transfer of property (for example, assets) in this Section apply to a resident's spouse when the resident applies for Medicaid on or after June 1, 1991, if the transfer occurs on or after December 20, 1989, and to a resident's spouse when the resident's application for Medicaid is filed prior to June 1, 1991, if the transfer occurs on or after June 1, 1991.
 - 4) The provisions for the transfer of property (for example, assets) in this Section do not apply to eligibility determinations for individuals who reside in the community.
- b) A transfer of assets occurs when a resident of a long term care facility or the resident's spouse buys, sells or gives away real or personal property or changes (for example, change from joint tenancy to tenancy in common) the way property is held. Changing ownership of property to a life estate interest is an asset transfer (the value of the life estate and remainder interest is determined as described in Section 120.380 and 89 Ill. Adm. Code 113.140). A transfer occurs when an action or actions are taken which would cause an asset or assets not to be received (for example, waiving the right to receive an inheritance).
- c) A transfer is allowable if:
- 1) the transfer occurred more than 30 months before the date of

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

application or more than 30 months before entry into the long term care facility;

- 2) the transfer, by the resident's spouse, occurred prior to December 20, 1989;

- 3) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (for example, bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;
- 4) homestead property was transferred to:
 - A) a spouse;
 - B) the individual's child who is under age 21;
 - C) the individual's child who is blind or permanently and totally disabled;
 - D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one full year immediately prior to the date the individual entered the facility; or
 - E) the individual's child who provided care for the individual and who was residing in the homestead property for two full years immediately prior to the date the individual entered the facility;

- 5) The transfer by the resident was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance, as of October 1, 1989, is an amount up to but not greater than \$60,000 that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. As of October 1, 1989, the amount of assets a resident may transfer to his or her community spouse is \$60,000 minus any non-exempt assets of the community spouse. The amount established as the Community Spouse Asset Allowance shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The Community Spouse Asset Allowance is subject to the following qualifiers:
 - A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance (as described in Section 120.61) as determined by a fair hearing; or
 - B) The amount transferred under a court order to the community spouse;
- 6) the transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 7) the individual intended to transfer the assets for fair market value;
- 8) it is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:
- the resident is mentally unable to explain how the assets were transferred;
 - the denial of assistance would force the resident to move from the long term care facility; or
 - the individual would be prohibited from joining a spouse in a facility or would prohibit the individual from entering a facility that is within close proximity to his/her family;
- 9) the transfer was made exclusively for a reason other than to qualify for assistance. A transfer for less than fair market value is presumed to have been made to qualify for assistance unless a satisfactory showing is made to the Department that the client or spouse transferred the asset exclusively for a reason other than to qualify for assistance;
- 10) the transfer by the resident was to the community spouse and was the result of a court order; or
- 11) ~~the individual did not consent to or assist in the transfer--(for example, a joint bank account in which monies are withdrawn without the permission of the individual); the transfer was to an annuity and the expected return on the annuity is commensurate with the estimated life expectancy of the person. In determining the estimated life expectancy of the person, the Department shall use the life expectancy table described in Section 120.140.B.~~
- d) ~~transfers of assets which do not meet the provisions of subsection (c) are considered as a single transfer of the total amount of assets with the period of eligibility determined in accordance with subsection (c). If a transfer or transfers do not meet the provisions of subsection (c), the resident is subject to a period of ineligibility for long term care services. The penalty period is determined in accordance with subsection (e). If otherwise eligible, residents remain entitled to other covered medical services.~~
- e) ~~if the transfers does not meet the provisions of subsection (c) the resident is ineligible beginning with the month of the first transfer and until whichever occurs first: A separate penalty period is determined for each month in which a transfer or transfers do not meet the provisions of subsection (c). Each penalty period is the lesser of the number of months the total uncompensated amount of the transferred assets would meet the monthly cost of long term care (private rate) at the facility or 30 months.~~
- ~~the number of months the total uncompensated amount of the transferred assets would meet the monthly cost of long term care (private rate) at the facility; or~~
 - ~~the end of 30 months from the month of the transfer.~~
- f) The penalty period begins with the month of the transfer or transfers

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

unless the transfer or transfers occurred during a previous penalty period. If so, the penalty period begins with the month following the month the previous penalty period ends. However, the penalty period cannot exceed 30 months from the month of the transfer or transfers.

(Source: ~~Amended~~ 19 Ill. Reg. 2905, effective FEB 27 1995)

Section 120.387 Property Transfers Occurring On or After August 11, 1993

- The provisions for the transfer of property (for example, assets) listed below apply to residents of long term care facilities, including residents who were living in the community at the time of the transfer, when the transfer occurs on or after August 11, 1993.
- The provisions for the transfer of property (for example, assets) listed below apply to the transfer of property by the resident's spouse in the same manner as if the resident transferred the property. The provisions for the transfer of property (for example, assets) listed below do not apply to eligibility determinations for persons who reside in the community.
- A transfer of assets occurs when a resident of a long term care facility or the resident's spouse buys, sells or gives away real or personal property or changes (for example, change from joint tenancy to tenancy in common) the way property is held. Changing ownership of property to a life estate interest is an asset transfer (the value of the life estate and remainder interest is determined as described at Section 120.380 and 89 Ill. Adm. Code 113.140). For assets held in joint tenancy, tenancy in common or similar arrangement, a transfer occurs when an action by any person reduces or eliminates the person's ownership or control of the asset. A transfer occurs when an action or actions are taken which would cause an asset or assets not to be received (for example, waiving the right to receive an inheritance).
- A transfer is allowable if:
 - depending on the property transferred, the transfer occurred more than either 60 or 36 months before the date of application or more than either 60 or 36 months before entry into a long term care facility.
 - the 60 month period applies to payments from a revocable trust that are not treated as income (as described in Section 120.347) and to portions of an irrevocable trust from which no payments could be made (as described in Section 120.347).
 - the 36 month period applies to payments from an irrevocable trust that are not treated as income (as described in Section 120.347) and to any other property transfers not identified in this subsection.
 - a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (for example, bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values.

3) homestead property was transferred to:

- A) a spouse;
- B) the person's child who is under age 21;
- C) the person's child who is blind (as described in Section 120.313) or disabled (as described in Section 120.314);
- D) the person's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one year immediately prior to the date the person entered the facility; or
- E) the person's child who provided care for the person and who was residing in the homestead property for two years immediately prior to the date the person entered the facility.

4) the transfer by the resident was to the community spouse or to another person for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance, as of October 1, 1989, is an amount up to but not greater than \$60,000 that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. As of October 1, 1989, the amount of assets a resident may transfer to his or her community spouse is \$60,000 minus any nonexempt assets of the community spouse. The amount established as the Community Spouse Asset Allowance shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The Community Spouse Asset Allowance is subject to the following qualifiers:

A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance (as described in Section 120.61) as determined by a fair hearing; or

B) The amount transferred under a court order to the community spouse.

5) the transfer from the community spouse was to another person for the sole benefit of the community spouse.

6) the transfer was to the person's child or to a trust established solely for the benefit of the person's child who is blind (as described in Section 120.313) or disabled (as described in Section 120.314) or to another person for the sole benefit of the person's child.

7) the transfer was to a trust established solely for the benefit of a person under age 65 who is disabled (as described in Section

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

120.314).

- 8) the person intended to transfer the assets for fair market value. It is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:

A) the resident is mentally unable to explain how the assets were transferred;

B) the denial of assistance would force the resident to move from the long term care facility; or

C) the individual would be prohibited from joining a spouse in a facility or would prohibit the individual from entering a facility that is within close proximity to his or her family.

10) the transfer was made exclusively for a reason other than to qualify for assistance. A transfer for less than fair market value is presumed to have been made to qualify for assistance unless a satisfactory showing is made to the Department that the client or spouse transferred the asset exclusively for a reason other than to qualify for assistance.

11) the transfer by the resident was to the community spouse and was the result of a court order.

12) the assets transferred for less than fair market value have been returned to the person.

13) the transfer was to an annuity and the expected return on the annuity is commensurate with the estimated life expectancy of the person. In determining the estimated life expectancy of the person, the Department shall use the life expectancy table described in Section 120. Table B.

f) If a transfer or transfers do not meet the provisions of subsection (e), the resident is subject to a period of ineligibility for long term care services. The penalty period is determined in accordance with subsection (g). If otherwise eligible, residents remain entitled to other covered medical services.

g) A separate penalty period is determined for each month in which a transfer or transfers do not meet the provisions of subsection (e). Each penalty period is the number of months equal to the total uncompensated amount of assets transferred during a month divided by the monthly cost of long term care (private rate) at the facility.

h) The penalty period begins with the month of the transfer or transfers unless the transfer or transfers occurred during a previous penalty period. If so, the penalty period begins with the month following the month the previous penalty period ends.

i) For transfers by the community spouse that result in a period of ineligibility for long term care services as described in subsection (g) and the community spouse enters a long term care facility and becomes otherwise eligible for assistance, the Department shall divide any remaining period of ineligibility for long term care services equally between the spouses.

SALES & SERVICE

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS
Section 120. TABLE A. Value of a Life Estate and Remainder Interest

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS
(Source: Added 19 Ill. Reg. 2905, effective
FEB 27 1995)

Age	Life Estate	Remainder
0	.97188	.02812
1	.98988	.01012
2	.99017	.00983
3	.99008	.00992
4	.98981	.01019
5	.98938	.01062
6	.98884	.01116
7	.98822	.01178
8	.98748	.01252
9	.98663	.01337
10	.98565	.01435
11	.98453	.01547
12	.98329	.01671
13	.98198	.01802
14	.98066	.01931
15	.97937	.02063
16	.97815	.02185
17	.97700	.02300
18	.97590	.02410
19	.97480	.02520
20	.97365	.02635
21	.97245	.02755
22	.97120	.02880
23	.96986	.03014
24	.96841	.03159
25	.96678	.03322
26	.96495	.03505
27	.96290	.03710
28	.96062	.03938
29	.95813	.04187
30	.95543	.04457
31	.95254	.04746
32	.94942	.05058
33	.94608	.05392
34	.94250	.05750
35	.93868	.06132
36	.93460	.06540
37	.93026	.06974
38	.92567	.07433
39	.92083	.07917
40	.91571	.08429
41	.91030	.08970
42	.90457	.09543

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Age	Life Estate	Remainder
43	.89855	.10145
44	.89221	.10779
45	.88558	.11442
46	.87863	.12137
47	.87137	.12863
48	.86374	.13626
49	.85578	.14422
50	.84743	.15257
51	.83674	.16126
52	.82969	.17031
53	.82028	.17972
54	.81054	.18946
55	.80046	.19954
56	.79006	.20994
57	.77931	.22069
58	.76822	.23178
59	.75675	.24325
60	.74491	.25509
61	.73267	.26733
62	.72002	.27998
63	.70696	.29304
64	.69352	.30648
65	.67970	.32030
66	.66551	.33449
67	.65098	.34902
68	.63610	.36390
69	.62086	.37914
70	.60522	.39478
71	.58914	.41086
72	.57261	.42739
73	.55571	.44429
74	.53862	.46138
75	.52149	.47851
76	.50441	.49559
77	.48742	.51258
78	.47049	.52951
79	.45357	.54643
80	.43659	.56341
81	.41967	.58033
82	.40295	.59705
83	.38642	.61358
84	.36998	.63002
85	.35359	.64641
86	.33764	.66236
87	.32262	.67738

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Age	Life Estate	Remainder
88	.30859	.69141
89	.29526	.70474
90	.28221	.71779
91	.26955	.73045
92	.25771	.74229
93	.24692	.75308
94	.23728	.76272
95	.22887	.77113
96	.22181	.77819
97	.21550	.78450
98	.21000	.79000
99	.20486	.79514
100	.19975	.80025
101	.19532	.80468
102	.19054	.80946
103	.18437	.81563
104	.17856	.82144
105	.16962	.83038
106	.15488	.84512
107	.13409	.86591
108	.10068	.89932
109	.04545	.95455

(Source: Added 19 Ill. Reg. 2905, effective FEB 27 1995)

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Section 120. TABLE B Life Expectancy

Age	MALE		FEMALE	
	Life Expectancy	Age	Life Expectancy	Age
0	71.80	0	78.79	0
1	71.53	1	78.42	1
2	70.58	2	77.48	2
3	69.62	3	76.51	3
4	68.65	4	75.54	4
5	67.67	5	74.56	5
6	66.69	6	73.57	6
7	65.71	7	72.59	7
8	64.73	8	71.60	8
9	63.74	9	70.61	9
10	62.75	10	69.62	10
11	61.76	11	68.63	11
12	60.78	12	67.64	12
13	59.79	13	66.65	13
14	58.82	14	65.67	14
15	57.85	15	64.68	15
16	56.91	16	63.71	16
17	55.97	17	62.74	17
18	55.05	18	61.77	18
19	54.13	19	60.80	19
20	53.21	20	59.83	20
21	52.29	21	58.86	21
22	51.38	22	57.89	22
23	50.46	23	56.92	23
24	49.55	24	55.95	24
25	48.63	25	54.98	25
26	47.72	26	54.02	26
27	46.80	27	53.05	27
28	45.88	28	52.08	28
29	44.97	29	51.12	29
30	44.06	30	50.15	30
31	43.15	31	49.19	31
32	42.24	32	48.23	32
33	41.33	33	47.27	33
34	40.23	34	46.31	34
35	39.52	35	45.35	35
36	38.62	36	44.40	36
37	37.73	37	43.45	37
38	36.83	38	42.50	38
39	35.94	39	41.55	39
40	35.05	40	40.61	40
41	34.15	41	39.66	41

Age	MALE		FEMALE	
	Life Expectancy	Age	Life Expectancy	Age
42	33.26	42	33.26	42
43	32.37	43	32.37	43
44	31.49	44	31.49	44
45	30.61	45	30.61	45
46	29.74	46	29.74	46
47	28.88	47	28.88	47
48	28.02	48	28.02	48
49	27.17	49	27.17	49
50	26.32	50	26.32	50
51	25.48	51	25.48	51
52	24.65	52	24.65	52
53	23.82	53	23.82	53
54	23.01	54	23.01	54
55	22.21	55	22.21	55
56	21.43	56	21.43	56
57	20.66	57	20.66	57
58	19.90	58	19.90	58
59	19.15	59	19.15	59
60	18.42	60	18.42	60
61	17.70	61	17.70	61
62	16.99	62	16.99	62
63	16.30	63	16.30	63
64	15.62	64	15.62	64
65	14.96	65	14.96	65
66	14.32	66	14.32	66
67	13.70	67	13.70	67
68	13.09	68	13.09	68
69	12.50	69	12.50	69
70	11.92	70	11.92	70
71	11.35	71	11.35	71
72	10.80	72	10.80	72
73	10.27	73	10.27	73
74	9.27	74	9.27	74
75	9.24	75	9.24	75
76	8.76	76	8.76	76
77	8.29	77	8.29	77
78	7.83	78	7.83	78
79	7.40	79	7.40	79
80	6.98	80	6.98	80
81	6.59	81	6.59	81
82	6.21	82	6.21	82
83	5.85	83	5.85	83
84	5.51	84	5.51	84
85	5.19	85	5.19	85

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Section 120. TABLE B Life Expectancy

Age	MALE		FEMALE	
	Life Expectancy	Age	Life Expectancy	Age
42	33.26	42	33.26	42
43	32.37	43	32.37	43
44	31.49	44	31.49	44
45	30.61	45	30.61	45
46	29.74	46	29.74	46
47	28.88	47	28.88	47
48	28.02	48	28.02	48
49	27.17	49	27.17	49
50	26.32	50	26.32	50
51	25.48	51	25.48	51
52	24.65	52	24.65	52
53	23.82	53	23.82	53
54	23.01	54	23.01	54
55	22.21	55	22.21	55
56	21.43	56	21.43	56
57	20.66	57	20.66	57
58	19.90	58	19.90	58
59	19.15	59	19.15	59
60	18.42	60	18.42	60
61	17.70	61	17.70	61
62	16.99	62	16.99	62
63	16.30	63	16.30	63
64	15.62	64	15.62	64
65	14.96	65	14.96	65
66	14.32	66	14.32	66
67	13.70	67	13.70	67
68	13.09	68	13.09	68
69	12.50	69	12.50	69
70	11.92	70	11.92	70
71	11.35	71	11.35	71
72	10.80	72	10.80	72
73	10.27	73	10.27	73
74	9.27	74	9.27	74
75	9.24	75	9.24	75
76	8.76	76	8.76	76
77	8.29	77	8.29	77
78	7.83	78	7.83	78
79	7.40	79	7.40	79
80	6.98	80	6.98	80
81	6.59	81	6.59	81
82	6.21	82	6.21	82
83	5.85	83	5.85	83
84	5.51	84	5.51	84
85	5.19	85	5.19	85

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

MALE FEMALE

Age	Life Expectancy	Age	Life Expectancy
86	4.89	86	6.20
87	4.61	87	5.79
88	4.34	88	5.41
89	4.09	89	5.05
90	3.86	90	4.71
91	3.64	91	4.40
92	3.43	92	4.11
93	3.24	93	3.84
94	3.06	94	3.59
95	2.90	95	3.36
96	2.74	96	3.16
97	2.60	97	2.97
98	2.47	98	2.80
99	2.34	99	2.64
100	2.22	100	2.48
101	2.11	101	2.34
102	1.99	102	2.20
103	1.89	103	2.06
104	1.78	104	1.93
105	1.68	105	1.81
106	1.59	106	1.69
107	1.50	107	1.58
108	1.41	108	1.48
109	1.33	109	1.38
110	1.25	110	1.28
111	1.17	111	1.19
112	1.10	112	1.10
113	1.02	113	1.02
114	0.96	114	0.96
115	0.89	115	0.89
116	0.83	116	0.83
117	0.77	117	0.77
118	0.71	118	0.71
119	0.66	119	0.66

(Source: Added at 19 Ill. Reg. effective 2905, FEB 27 1995)

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.16 Amendment
140.19 Amendment
140.32 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par.) [305 ILCS 5/12-13] and Public Act 88-554 [305 ILCS 5/12-4.25]
- 5) Effective Date of Amendments: March 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 1, 1995
- 9) Notice of Proposal Published in Illinois Register: November 4, 1994 (18 Ill. Reg. 16059)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the proposed amendments.
In Section 140.16, the period at the end of subsection (a)(9)(B) has been changed to a semi-colon.
In Section 140.16, the period at the end of subsection (a)(10) has been changed to a semi-colon.
The end of subsection 140.32(a)(4) has been revised to read, "as well as treble damages or \$10,000.00 for each such violation whichever amount is greater, in accordance with Section 11-27 of the Public Aid Code [305 ILCS 5/11-27]."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?

No other changes have been made in the text of the proposed amendments.

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

No
14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.11	Amendment	January 13, 1995 (19 Ill. Reg. 165)
140.12	Amendment	January 13, 1995 (19 Ill. Reg. 165)
140.400	Amendment	February 10, 1995 (19 Ill. Reg. 1200)
140.413	Amendment	July 8, 1994 (18 Ill. Reg. 10637)
140.435	Amendment	February 10, 1995 (19 Ill. Reg. 1200)
140.523	Amendment	January 13, 1995 (19 Ill. Reg. 165)
140.645	Amendment	December 16, 1994 (18 Ill. Reg. 17865)

15) Summary and Purpose of Amendments: These amendments to the Department's rules concerning provider participation in the Medical Assistance Program, are intended to implement requirements imposed by Public Act 88-554. The new requirements expand prohibitions on participation for vendors who have been terminated or barred from the Program.

Section 140.16, which addresses the termination or suspension of a vendor's eligibility to participate in the Medical Assistance Program, has been amended by the addition of a new provision prohibiting the transfer of a terminated or barred individual's direct or indirect ownership of a vendor, to relatives.

Section 140.32, which specifies participation prohibitions during the period of termination, suspension or barring, has also been amended by similar new language regarding the disallowance of transfers of ownership interests in a vendor to relatives.

Section 140.19 has been amended to require that when a vendor has been terminated a second or subsequent time from the Medical Assistance Program, he or she must be barred from participation for at least two years. If the vendor then applies for reinstatement to the Program and is denied by the Department, he or she will be further barred from applying for reinstatement for a period of two years from the date of the denial of the application.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

- Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-WANG, AABD, AABD-WANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver) Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.4 Covered Medical Services Under GA
140.5 Medical Services Not Covered
140.6 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.7 Medical Assistance For Qualified Severely Impaired Individuals
140.8 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

- Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72 Voucher Advance Payment and Expedited Payments
140.73 Drug Manual (Recodified)
Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

- Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)
	SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES
Section	
140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory Services
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.477 Limitations on Equipment, Supplies and Prosthetic Devices
 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
 140.479 Limitations, Medical Supplies
 140.480 Equipment Rental Limitations
 140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices
 140.482 Family Planning Services
 140.483 Limitations on Family Planning Services
 140.484 Payment for Family Planning Services
 140.485 Healthy Kids Program
 140.486 Limitations on Medichex Services (Repealed)
 140.487 Healthy Kids Program Timeliness Standards
 140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
 140.490 Medical Transportation
 140.491 Limitations on Medical Transportation
 140.492 Payment for Medical Transportation
 140.495 Psychological Services
 140.496 Payment for Psychological Services
 140.497 Hearing Aids

SUBPART E: GROUP CARE

Section
 140.500 Group Care Services
 140.502 Cessation of Payment at Federal Direction
 140.503 Cessation of Payment for Improper Level of Care
 140.504 Cessation of Payment Because of Termination of Facility
 140.505 Continuation of Payment Because of Threat To Life
 140.506 Provider Voluntary Withdrawal
 140.507 Continuation of Provider Agreement
 140.510 Determination of Need for Group Care
 140.511 Long Term Care Services Covered by Department Payment
 140.512 Utilization Control
 140.513 Utilization Review Plan (Repealed)
 140.514 Certifications and Recertifications of Care
 140.515 Management of Recipient Funds--Personal Allowance Funds
 140.516 Recipient Management of Funds
 140.517 Correspondent Management of Funds
 140.518 Facility Management of Funds
 140.519 Use or Accumulation of Funds
 140.520 Management of Recipient Funds--Local Office Responsibility
 140.521 Room and Board Accounts
 140.522 Reconciliation of Recipient Funds
 140.523 Bed Reserves
 140.524 Cessation of Payment Due to Loss of License
 140.525 Quality Incentive Program (QUIP) Payment Levels
 140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.527 Quality Incentive Survey (Repealed)
 140.528 Payment of Quality Incentive (Repealed)
 140.529 Reviews (Repealed)
 140.530 Basis of Payment for Long Term Care Services
 140.531 General Service Costs
 140.532 Health Care Costs
 140.533 General Administration Costs
 140.534 Ownership Costs
 140.535 Costs for Interest, Taxes and Rent
 140.536 Organization and Pre-Operating Costs
 140.537 Payments to Related Organizations
 140.538 Special Costs
 140.539 Nurse's Aide Training and Testing
 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
 140.541 Salaries Paid to Owners or Related Parties
 140.542 Cost Reports--Filing Requirements
 140.543 Time Standards for Filing Cost Reports
 140.544 Access to Cost Reports (Repealed)
 140.545 Penalty for Failure to File Cost Reports
 140.550 Update of Operating Costs
 140.551 General Service Costs
 140.552 Nursing and Program Costs
 140.553 General Administrative Costs
 140.554 Component Inflation Index
 140.555 Minimum Wage
 140.560 Components of the Base Rate Determination
 140.561 Support Costs Components
 140.562 Nursing Costs
 140.563 Capital Costs
 140.565 Koshier Kitchen Reimbursement
 140.566 Out-of-State Placement
 140.567 Level II Incentive Payments (Repealed)
 140.568 Duration of Incentive Payments (Repealed)
 140.569 Clients With Exceptional Care Needs
 140.570 Capital Rate Component Determination
 140.571 Capital Rate Calculation
 140.572 Total Capital Rate
 140.573 Other Capital Provisions
 140.574 Capital Rates for Rented Facilities
 140.575 Newly Constructed Facilities (Repealed)
 140.576 Renovations (Repealed)
 140.577 Capital Costs for Rented Facilities (Renumbered)
 140.578 Property Taxes
 140.579 Specialized Living Centers
 140.580 Mandated Capital Improvements (Repealed)
 140.581 Qualifying as Mandated Capital Improvement (Repealed)
 140.582 Cost Adjustments

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.643 Campus Facilities
 140.644 Illinois Municipal Retirement Fund (IMRF)
 140.645 Audit and Record Requirements
 140.646 Screening Assessment for Long Term Care and Alternative Residential Settings and Services
 140.647 In-Home Care Program
 140.648 Medical and In-Home Care for Disabled Persons Under Age 21 (Model Waiver)
 140.649 Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
 140.650 Description of Developmental Training (DT) Services
 140.651 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
 140.652 Effective Dates of Reimbursement for Developmental Training (DT) Programs
 140.653 Certification of Developmental Training (DT) Programs
 140.654 Decertification of Day Programs
 140.655 Terms of Assurances and Contracts
 140.656 Effective Date of Payment Rate
 140.657 Discharge of Long Term Care Residents
 140.658 Appeals of Rate Determinations
 140.659 Determination of Cap on Payments for Long Term Care (Repealed)
 140.660

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section
 140.850 General Description (Repealed)
 140.855 Definition of Terms (Repealed)
 140.860 Covered Services (Repealed)
 140.865 Sponsor Qualifications (Repealed)
 140.870 Sponsor Responsibilities (Repealed)
 140.875 Department Responsibilities (Repealed)
 140.880 Provider Qualifications (Repealed)
 140.885 Provider Responsibilities (Repealed)
 140.890 Payment Methodology (Repealed)
 140.895 Contract Monitoring (Repealed)
 140.896 Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For The Developmentally Disabled (Recodified)

SUBPART G: HEALTHY MOMS/HEALTHY KIDS PROGRAM

Section
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
 140.901 Functional Areas of Needs (Recodified)
 140.902 Service Needs (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.903 Definitions (Recodified)
 140.904 Times and Staff Levels (Repealed)
 140.905 Statewide Rates (Repealed)
 140.906 Reconsiderations (Recodified)
 140.907 Midnight Census Report (Recodified)
 140.908 Times and Staff Levels (Recodified)
 140.909 Statewide Rates (Recodified)
 140.910 Referrals (Recodified)
 140.911 Basic Rehabilitation Aide Training Program (Recodified)
 140.912 Interim Nursing Rates (Recodified)
 140.920 General Description
 140.922 Covered Services
 140.924 Provider Participation Requirements
 140.926 Client Eligibility
 140.928 Client Enrollment and Program Components
 140.930 Reimbursement
 140.932 Payment Authorization for Referrals

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
 140.942 Definition of Terms (Recodified)
 140.944 Notification of Negotiations (Recodified)
 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
 140.948 Negotiation Procedures (Recodified)
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
 140.952 Closing an ICARE Area (Recodified)
 140.954 Administrative Review (Recodified)
 140.956 Payments to Contracting Hospitals (Recodified)
 140.958 Admitting and Clinical Privileges (Recodified)
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible For Payment (Recodified)
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
 140.964 Contract Monitoring (Recodified)
 140.966 Transfer of Recipients (Recodified)
 140.968 Validity of Contracts (Recodified)
 140.970 Termination of ICARE Contracts (Recodified)
 140.972 Hospital Services Procurement Advisory Board (Recodified)
 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program
 140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age

TABLE A
 TABLE B
 Medicare Recommended Screening Procedures (Repealed)
 Health Service Areas

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Healthy Moms/Healthy Kids Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1993, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. 3, 4, 5, 6, 7, and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 7910, effective June 1, 1984; for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246,

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 and 140.914 recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 and 147.207, Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a

maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 592, effective January 28, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17333, effective November 22, 1991; November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective Mar. 1, 1995.

Section 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

a) The Department may terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program if it determines that, at any time prior to or subsequent to the effective date of these Rules:

- 1) Such vendor is not complying with the Department's policy or rules, or with the terms and conditions prescribed by the Department in any vendor agreement developed as a result of negotiations with the vendor category, or with the covenants contained in certifications bearing the vendor's signature on claims submitted to the Department by the vendor, or with restrictions on participation imposed pursuant to Section 140.32(f);
- 2) Such vendor is not properly licensed or qualified, or such vendor's professional license, certificate or other authorization has not been renewed or has been revoked, suspended or otherwise terminated as determined by the appropriate licensing, certifying or authorizing agency;
- 3) Violates records requirements
 - A) Such vendor has failed to keep or make available for inspection, audit or copying (including photocopying), after receiving a written request from the Department,
 - i) such records as are required to be maintained by the Department or as are necessary to fully disclose the extent of the services or supplies provided; or
 - ii) such records as are required to be maintained by the Department regarding payments claimed for providing services.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- B) This Section does not require vendors to make available medical records of patients for whom services are not reimbursed under the Illinois Public Aid Code;
- 4) Such vendor has failed to furnish any information requested by the Department regarding payments for providing goods or services, or has failed to furnish all information required by the Department in connection with the rendering of services or supplies to recipients of public assistance by the vendor, his agent, employer or employee;
- 5) Such vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the Medical Assistance Program. For purposes of this Section, statements or representations made "knowingly" shall include statements or representations made with actual knowledge that they were false as well as those statements made when the individual making the statement had knowledge of such facts or information as would cause one to be aware that the statements or representations were false when made;
- 6) Such vendor has submitted claims for services or supplies which were not rendered or delivered by that vendor;
- 7) Such vendor has furnished goods or services to a recipient which, when based upon competent medical judgment and evaluation, are determined to be:
 - A) in excess of the recipient's needs,
 - B) harmful to the recipient (for the purpose of this Section, "harmful" goods or services caused actual harm to a recipient or placed a recipient at risk of harm, or of adverse side effects which outweigh the medical benefits sought to be provided), or
 - C) of grossly inferior quality;
- 8) Such vendor knew or should have known that a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an investor in the vendor; a technical or other advisor of the vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor was previously terminated or barred from participation in the Medical Assistance Program;
- 9) Engaged in practices prohibited by Federal or State law or regulation
 - A) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor, or a partner in a partnership which is a vendor, either:
 - i) has engaged in practices prohibited by applicable

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Federal or State law or regulation; or

ii) was a person with management responsibility for a vendor at the time that such vendor engaged in practices prohibited by applicable Federal or State law or regulation; or

iii) was an officer, or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a vendor at the time such vendor engaged in practices prohibited by applicable Federal or State law or regulation; or

iv) was an owner of a sole proprietorship or partner of a partnership which was a vendor at the time such vendor engaged in practices prohibited by applicable Federal or State law or regulation;

B) For purposes of subsection (a)(9) of this Section "applicable Federal or State law or regulation" shall include licensing or certification standards contained in State or Federal law or regulations related to the Medical Assistance Program, any other licensing standards as they relate to the vendor's practice or business or any Federal or State laws or regulations related to the Medical Assistance Program;

C) For purposes of subsection (a)(9) of this Section conviction or a plea of guilty to activities violative of applicable Federal or State law or regulation shall be conclusive proof that such activities were engaged in;

10) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor, or a partner in a partnership which is a vendor, has been convicted in this or any other State, or in any Federal Court, of any felony not related to the Medical Assistance Program if such felony constitutes grounds for disciplinary action under the licensing act applicable to that individual or vendor;

11) The direct or indirect ownership of the vendor (including the ownership of a vendor that is a sole proprietorship, a partner's interest in a vendor that is a partnership, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor) has been transferred by an individual who is terminated or barred from participating as a vendor to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

b) If any of the activities described in subsections (a)(1) through (a)(9) above were engaged in prior to December 1, 1977, they may be used as the basis for termination only if the vendor had actual or constructive knowledge of the requirements which applied to his

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

conduct or activities.

(Source: Amended at 19 Ill. Reg. 2933, effective MAR 01 1995)

Section 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

a) A vendor that has been terminated from the Medical Assistance Program may not apply to participate for at least one year from the date of the final administrative decision terminating eligibility. After one year a vendor who has been terminated may apply for reinstatement to the Medical Assistance Program. If a vendor's application for reinstatement is denied by the Department, he shall be barred from again applying for reinstatement for one year from the date of the final administrative decision denying his application for reinstatement.

b) At the end of a period of suspension, a vendor that has been suspended from the Medical Assistance Program shall be reinstated upon completion of the necessary enrollment forms and execution of a new vendor agreement unless it is determined that such vendor has not corrected the deficiencies upon which the suspension was based. If the deficiencies have not been corrected, the vendor shall, after notice and hearing, be terminated. The notice in any termination action based on this Section shall notify the vendor of the deficiencies not corrected.

c) An individual barred pursuant to Section 140.18 can apply to participate in the Medical Assistance Program. If an individual's application is denied by the Department or if he is denied special permission under Section 140.32, he shall be barred from again applying for one year from the date of the final administrative decision denying his application or special permission.

d) If a vendor has been terminated and reinstated to the Medical Assistance Program and the vendor is terminated a second or subsequent time from the Medical Assistance Program, the vendor shall be barred from participation for at least two years. At the end of two years, a vendor who has been terminated may apply for reinstatement to the Medical Assistance Program. If a vendor's application for reinstatement is denied by the Department, he shall be barred from again applying for reinstatement for two years from the date of the final administrative decision denying his application for reinstatement.

(Source: Amended at 19 Ill. Reg. 2933, effective MAR 01 1995)

Section 140.32 Prohibition on Participation, and Special Permission for Participation

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

- a) Prohibition on Participation, by Terminated, Suspended or Barred Entities
- 1) Upon being terminated, suspended or barred and while such disability from Medical Assistance Program participation remains in effect, an entity:
- A) Cannot be a vendor, assume management responsibility for a vendor, own (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership of a corporate vendor, become an owner of a sole proprietorship that is a vendor, become a partner of a vendor or become an officer of a corporate vendor;
 - B) Cannot be an employer of a vendor; a person with management responsibility for an employer of a vendor; an officer of an employer of a vendor; an entity owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in an employer of a vendor; an owner of a sole proprietorship that employs a vendor; or a partner of a partnership that employs a vendor;
 - C) Cannot order goods or services from a vendor when payment for such goods or services will be made in whole or in part by the Department;
 - D) Cannot render goods or services as an employee of a vendor or as an independent contractor with a vendor for which payment will be made in whole or in part by the Department;
 - E) Cannot, directly or indirectly, serve as a technical or other advisor to a vendor;
 - F) Cannot, directly or indirectly, be an incorporator or member of the board of directors of a vendor;
 - G) Cannot, directly or indirectly, be an investor in a vendor; and
 - H) Cannot own (directly or indirectly) a 5% or greater interest in any premises or equipment leased by a vendor.
- 2) An individual who is terminated or barred from participation in the Medical Assistance Program cannot transfer the direct or indirect ownership of a vendor (including the ownership of a vendor that is a sole proprietorship, a partner's interest in a vendor that is a partnership, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor) to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.
- 3) After the provision of written notice to the affected parties, the Department may deny payment for goods or services rendered or ordered by an entity that violates the provisions of subsections (a)(1)(A), (B), (C) or (D) ~~(2) or (4)~~ of this Section. The Department may also pursue the imposition of all criminal and civil penalties as may be available and necessary.
- 4) Whenever an entity violates the provisions of subsections

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

- (a)(1)(E), (F), (G) or (H) ~~(5) or (6) or (7) or (8)~~ of this Section the Department may refer the matter for filing of an appropriate civil suit by the Attorney General or the State's Attorney to recover all benefits obtained improperly as well as treble damages of \$10,000.00 for each such violation whichever amount is greater, in accordance with ~~the provisions of III-Rev-Stat-1997-ch-23-par-11-27~~ Section 11-27 of the Public Aid Code [305 ILCS 5/11-27].
- b) Special Permission for Continuation or Reinstatement of Medical Assistance Program Participation for Barred Entities
- 1) Any entity barred pursuant to Section 140.18 may seek special permission to continue participation in the Medical Assistance Program or for reinstatement in the Program.
 - 2) Special permission shall be granted only if the entity seeking such action demonstrates to the Department that it had no part in, and no knowledge of, the conduct which led to the decision to terminate upon which the barring was based or that it had no part in, and notified the Department as soon as it gained knowledge of, the conduct.
 - 3) In deciding whether to authorize the continued participation by, or reinstatement of, an entity that meets the conditions of this subsection (b) the Director shall consider the following factors:
 - A) Whether the entity requesting special permission demonstrates a fitness to participate in the Medical Assistance Program;
 - B) The extent to which any legally enforceable debts owed to the Department by the applicant or an entity in which the applicant or his nominee held a substantial ownership interest have been paid;
 - C) Any other circumstances reasonably related to the issue of whether the special permission should be granted.
 - 4) Any entity that seeks special permission to continue or reinstate benefits shall submit a written request to the Director. Upon receipt of such a request, the Director or his designee shall review the request and any supporting documentation which accompanies it, and shall notify the entity of the decision within 60 days after receipt of the request, where practicable. In reviewing the request, the Director may require the entity to appear before and cooperate with a peer review committee of the Department.
 - 5) An entity may request special permission only once. An entity that has been denied special permission may not apply for readmission under Section 140.14 for one year after the final decision to deny special permission. An entity that has been denied readmission under Section 140.14 or has an application under Section 140.14 pending with the Department may not apply for special permission.
 - 6) Whenever a barred entity is readmitted to the Medical Assistance

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Program pursuant to this Section, the Director may make the vendor's continued participation contingent upon compliance with specified restrictions, including, but not limited to:

- A) Limiting the participation by the entity as to the location, type, volume or category of goods or services to be provided;
- B) Requiring that the entity obtain continuing education, or additional licenses or authorizations; and
- C) Any other terms or conditions which may be appropriate or required under the circumstances.

(Source: Amended at 19 Ill. Reg. 2993, effective MAR 01 1995)

Administrative Code

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 1) Heading of the Part:

Distribution of Medical Student Scholarship Payback Funds

- 2) Code Citation:

77 Ill. Adm. Code 594

- 3) Section Numbers:

Adopted Action:

- 594.10 New Section
- 594.20 New Section
- 594.30 New Section
- 594.40 New Section
- 594.100 New Section
- 594.110 New Section
- 594.120 New Section
- 594.130 New Section
- 594.140 New Section
- 594.150 New Section
- 594.200 New Section
- 594.210 New Section
- 594.220 New Section
- 594.230 New Section
- 594.240 New Section
- 594.300 New Section
- 594.400 New Section
- 594.410 New Section
- 594.420 New Section
- 594.430 New Section
- 594.440 New Section

- 4) Statutory Authority:

Implementing and authorized by the Illinois Family Practice Residency Act (Ill. Rev. Stat. 1991, Ch. 144, par. 1460 [110 ILCS 935/10] as amended by Public Act 87-655, effective January 1, 1992).

- 5) Effective Date of Amendments:

March 1, 1995

- 6) Does this Rulemaking Contain an Automatic Repeal Date? No

- 7) Does this Rulemaking Contain Any Incorporations by Reference? Yes

- 8) Date Filed in Agency's Principal Office: March 1, 1995

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:
June 10, 1994; 18 Ill. Reg. 8572
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? No
- 11) Difference Between Proposal and Final Version:
The following changes were made in response to comments received during the first notice period:

The following new subsection (i) was added to Section 594.230: "Applicants who have previously received funding will be given priority consideration for continued participation in the program."

Section 594.300(b) was revised to read as follows:

In State fiscal year 1996 and all subsequent years, the monies in the fund as of June 30 of the prior fiscal year, less the \$150,000 allocation for the educational loan repayment program shall be distributed in equal amounts to support the programs as proposed in subsection (a) of this Section.

Subsections (b)(1) and (2) of Section 594.300 have been deleted.

In addition, various technical, editorial, and grammatical changes have been made in response to recommendations of the Joint Committee on Administrative Rules and the Administrative Code Division.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Repealer:

These rules implement Public Act 87-655, by increasing the availability of primary care physicians to meet the health care needs of citizens residing in medically underserved areas. The rulemaking provides for the creation of resource enhancement funds in cooperation with entities such as the Illinois Development Finance Authority, the distribution of funds to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

create a health professional education loan repayment program, the distribution of monies in the Community Health Center Care Fund, and grants to family practice residency programs, medical schools, and local health departments serving a medically underserved population.

- 16) Information and Questions Regarding these Adopted Rules Shall be Directed to:

Gail M. DeVito
Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson
Springfield, Illinois 62761
217/782-6187

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER G: GRANTS TO INCREASE ACCESS TO PRIMARY HEALTH CARE AND SCHOLARSHIPS FOR HEALTH PROFESSIONAL STUDENTS

PART 594

DISTRIBUTION OF MEDICAL STUDENT SCHOLARSHIP PAYBACK FUNDS

SUBPART A: GENERAL PROVISIONS

Section

594.10

Applicability

594.20

Definitions

594.30

Incorporated or Referenced Materials

594.40

Administrative Hearings

SUBPART B: CAPITAL FUND DEVELOPMENT IN COOPERATION

WITH ILLINOIS DEVELOPMENT FINANCE AUTHORITY

Section

594.100

Availability of Funds

594.110

Responsibilities of the Illinois Development Finance Authority

594.120

Responsibilities of the Department and the Center for Rural Health

594.130

Eligibility to Receive Loans From the Capital Funds

594.140

Application for Loans

594.150

Selection of Loan Recipients

SUBPART C: SUPPORT FOR HEALTH PROFESSIONALS

EDUCATIONAL LOAN REPAYMENT GRANTS

Section

594.200

Availability of Funds

594.210

Limitations on Use of Loan Repayment Funds

594.220

Eligibility for Application

594.230

Selection Criteria for Distribution of Loan Repayment Funds

594.240

Terms of Performance

SUBPART D: GRANTS TO EXPAND ACCESS TO COMPREHENSIVE PRIMARY

HEALTH CARE IN MEDICALLY UNDERSERVED AREAS OF ILLINOIS

Section

594.300

Availability of Funds

SUBPART E: GRANTS TO SUPPORT PROJECTS WHICH WILL INCREASE THE

SUPPLY OF FAMILY PHYSICIANS FOR ILLINOIS' UNDERSERVED AREAS

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

594.400

Eligibility for Grants

594.410

Limitations on Use of Grant Funds

594.420

Project Requirements

594.430

Application for Grants

594.440

Selection Criteria

AUTHORITY: Implementing and authorized by the Illinois Family Practice Residency Act (Ill. Rev. Stat. 1991, ch. 144, par. 1460) [110 ILCS 935/10] and implementing Section 55.53 of the Civil Administrative Code (Ill. Rev. Stat. 1991, ch. 127, par. 55.53) [20 ILCS 2310/55.53].

SOURCE: Adopted at 19 Ill. Reg.

March 01 1995

2955 f

effective

SUBPART A: GENERAL PROVISIONS

Section 594.10 Applicability

a) This Part is in response to an Act designed to increase the availability of primary care physicians, especially family physicians, to meet health care needs of citizens living in underserved areas. Monies made available are to be used to expand access to primary care services. The provisions of this rulemaking are organized into five Subparts. Subpart A includes general provisions, such as definitions and administrative hearing rules, which apply to all Sections of the Part.

b) Subpart B includes provisions for creation of resource enhancement funds in cooperation with entities such as the Illinois Development Finance Authority or any others to be authorized. These provisions set forth the proposed amount of funds to be transferred to the Illinois Development Finance Authority, and establishes performance requirements for both the Authority and the Department.

c) Subpart C includes provisions for distribution of funds to create a health professional education loan repayment program, including the modifications necessary when federal grant funds are available.

d) Subpart D includes provisions for distribution of monies in the Community Health Center Care Fund to support activities detailed in Subparts B and D of the Illinois Rural Health Code (77 Ill. Adm. Code 596, proposed) and to support educational enhancement activities to increase the numbers and abilities of family physicians able to meet the primary health care needs in Illinois' underserved areas.

e) Subpart E establishes program requirements to award grants for activities which will increase access to primary health care for underserved populations and will enhance educational opportunities for family physicians.

Section 594.20 Definitions

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

"Act" means Section 10 of the Illinois Family Practice Residency Act (Ill. Rev. Stat. 1991, ch. 144, par. 1460) [110 ILCS 935/10].

"Authority" means the Illinois Development Finance Authority.

"Community Based Organization" means a locally organized and recognized group of individuals whose goals include efforts to maintain or increase the availability or accessibility of necessary health care for the citizens of the community.

"Community Health Center" means community/migrant health centers or health care for the homeless projects supported under Sections 329, 330 or 340 of the federal Public Health Service Act (42 USC 254b, 254c, and 256), respectively, or federally qualified health center look-alikes, as designated by the U.S. Public Health Service.

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Department" means the Illinois Department of Public Health.

"Downstate" means those Illinois counties other than Cook, Lake, McHenry, DuPage, Will and Kane.

"Family practice residency program" means a training program meeting the requirements of the Accreditation Council for Graduate Medical Education of the American Medical Association or the Committee on Postdoctoral Training of the American Osteopathic Association.

"Full time practice" means maintaining office hours for patient care which equal or exceed the mean number of office hours per week reported by physicians, by specialty, and published in the American Medical Association's "Socioeconomic Characteristics of Medical Practice, 1992." Midlevel providers will meet the same minimum time requirements as their supervising physician.

"Fund" means the Community Health Center Care Fund.

"Local health department" means a county, multi-county, municipal or district public health agency recognized by the Department.

"Medically underserved population" means individuals who reside in a U.S. Department of Health and Human Services designated health professional shortage area or medically underserved area; or who are designated a medically underserved population by the U.S. Department of Health and Human Services; or who reside in an area designated by the Department as underserved.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

"Mid-level providers" include health professionals who have completed specialized training and who meet the requirements of nationally recognized health professional organizations granting certification to nurse practitioners, certified nurse midwives, and physician assistants.

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services such as laboratory, radiologic, transportation, and pharmacy. Primary care is comprehensive in nature and not organ or problem specific; oriented toward the longitudinal care of the patient; and includes responsibility for coordination of other health and social services as they relate to the patients' needs.

"Primary care physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60] with a specialty in family practice, general internal medicine, obstetrics/gynecology, general pediatrics, or combined internal medicine/pediatrics and as defined by recognized standards for professional medical practices.

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less; or a community located within a Metropolitan Statistical Area but having a population of 2500 or less.

Section 594.30 Incorporated or Referenced Materials

The following materials are incorporated or referenced in this Part:

- a) Illinois Statutes and Rules Referenced
 - 1) Illinois Family Practice Residency Act (Ill. Rev. Stat. 1991, ch. 144, par. 1460) [110 ILCS 935].
 - 2) Illinois Rural/Downstate Health Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 8051 et seq.) [410 ILCS 65].
 - 3) Sections 55.53 and 55.57 of the Illinois Civil Administrative Code (Ill. Rev. Stat. 1991, ch. 127, par. 55.53 and 55.57) [20 ILCS 2310/55.53 and 55.57].
 - 4) Public Act 88-0535, effective January 26, 1994.
 - 5) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
 - 6) Family Practice Residency Code (77 Ill. Adm. Code 590).
 - 7) Rural Health Code (77 Ill. Adm. Code 596).
- b) Federal Statutes Incorporated By Reference
 - 1) Designation of Health Professional Shortage Areas, Section 332 of the Public Health Service Act (42 U.S.C. 254e (1991)).
 - 2) Designation of Medically Underserved Areas, Section 330 (b)(3) of the Public Health Service Act (42 U.S.C. 254c (b)(3)(1991)).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- c) All incorporations by reference of standards of nationally recognized organizations refer to standards on the date specified and do not include any additions or deletions subsequent to the date specified.

Section 596.40 Administrative Hearings

All administrative hearings conducted by the Department concerning the provisions of this Part shall be governed by the Department's Rules of Practice and Procedure in Administrative Hearings (See 77 Ill. Adm. Code 100).

SUBPART B: CAPITAL FUND DEVELOPMENT IN COOPERATION WITH
ILLINOIS DEVELOPMENT FINANCE AUTHORITY

Section 594.100 Availability of Funds

From monies deposited into the Community Health Center Care Fund since January 1, 1992, a sum not to exceed \$300,000 will be transferred to the Authority, pursuant to Public Act 88-0535, effective January 26, 1994. The transfer will be a one-time, lump sum payment.

Section 594.110 Responsibilities of the Illinois Development Finance Authority

- a) The Authority will be responsible for management of the monies transferred to it by the Department from the Fund. It will use the transferred monies to establish bond reserve or credit enhancement escrow accounts, loan program reserves, or other escrow accounts.
- b) The Authority will be responsible for completion of all reports as required by the Department and agreed to by the Authority in an interagency agreement.
- c) The Authority will be responsible for all loan monitoring and collection of loan repayments from the community health centers which have borrowed from the fund created.

Section 594.120 Responsibilities of the Department and the Center for Rural Health

- a) The Department will be responsible for management of the Community Health Center Care Fund and the transfer of the agreed upon payment to the Authority.
- b) The Center will assist the Authority in identifying the eligible recipients to participate in the capital development projects to be funded with the monies leveraged by the Authority.

Section 594.130 Eligibility to Receive Loans From the Capital Funds

Community health centers in Illinois are eligible to apply for loans from the Illinois Development Finance Authority-managed capital fund.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Section 594.140 Application for Loans

- a) Applications for loans will be in a format determined by the Authority.
- b) Applications will be submitted to the Authority through the Center prior to the Authority's determination of the type of financing option it will pursue.

Section 594.150 Selection of Loan Recipients

Applications submitted to the Center will be reviewed by staff of the Center, the Authority, and the Illinois Primary Health Care Association. Final selection decisions will be at the discretion of the Authority.

SUBPART C: SUPPORT FOR HEALTH PROFESSIONALS
EDUCATIONAL LOAN REPAYMENT GRANTS

Section 594.200 Availability of Funds

- a) From monies deposited into the Fund, an annual sum of \$150,000 shall be used for a health professional educational loan repayment program beginning in State Fiscal Year 1995.
- b) These monies shall be used by the Center to match federal dollars awarded through the National Health Service Corps State Loan Repayment Program grant, when available.
- c) If the federal grant dollars are not available, the monies made available from the Fund shall continue to be used to support an educational loan repayment program for health professionals.
- d) Funds used to repay a health professionals' educational loans shall consist of 75 percent State and/or federal funds and 25 percent local funds from nonstate and nonfederal sources.
 - 1) When National Health Service Corps State Loan Repayment Grant Program funds are available and used, the local payment will be made into the Rural/Downstate Health Access Fund.
 - 2) When only State and Community Health Center Care Fund monies are used, the local contribution may be made directly to the health care provider recruited through this program. The local entity assuming responsibility for the 25 percent payment shall enter into a written agreement with the Department. The agreement contains additional terms and conditions which ensure compliance with this part, the laws of the State of Illinois, and enforcement of the agreement.

Section 594.210 Limitations on Use of Loan Repayment Funds

- a) Funds shall be used for the repayment of educational loans of primary care physicians and mid-level providers who agree to serve in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

designated shortage areas.

- b) Payments may be used for the principle, interest and related expenses of government and commercial loans received by the individual and used for tuition expenses, and all other reasonable educational expenses incurred by the individual. The loans must have been incurred in pursuit of the recipient's professional education and may include undergraduate and graduate educational programs.
- c) Applicants who agree to practice in an underserved area for two years are eligible for up to \$25,000 annually; however, if the total amount of the applicant's qualifying educational loans is less than \$50,000, they will receive one-half of the total qualifying educational loan amounts annually.
- d) Applicants who agree to practice in an underserved area for three years are eligible for up to \$25,000 for each of the first two years and up to \$35,000 for the third year of service; however, if the balance of the applicant's qualifying educational loans after the first two years of service is less than \$35,000, they will receive payment for the remaining qualifying educational loans in the third year.
- e) Applicants who agree to practice in an underserved area for four years are eligible for up to \$25,000 annually for the first and second years of service and \$35,000 annually for the third and fourth years of service. However, if the balance of the applicant's qualifying educational loans after the first two years of service is less than \$70,000, they will receive one-half of the remaining qualifying educational loans annually in the third and fourth years.
- f) An amount equal to 39 percent of the total amount of loan repayments made for each tax year in which such payments were made shall be paid to the loan repayment program recipient in those years when National Health Service Corps State Loan Repayment Grant Program funds are available.
- g) Funds may not be used to monetarily repay a practice obligation resulting from educational loans or scholarships, whether from Illinois based institutions or organizations or governments, or those in other states.

Section 594.220 Eligibility for Application

- a) Any Illinois licensed physician or midlevel provider, or one who can be expected to be licensed in Illinois and who intends to practice in a designated shortage area of Illinois, may apply for educational loan repayment.
- b) Applicants shall not have been in practice in a designated shortage area for longer than six months prior to the beginning of the next application period for educational loan repayment.
- c) Applicants shall document currently existing educational loan indebtedness to a governmental or commercial lending institution incurred for educational expenses in pursuit of the applicant's degree

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

or diploma. Such documentation of indebtedness shall include a photocopy or original copy of promissory notes or other evidence of indebtedness with disclosure of lending institution or agency, loan amount, loan period, interest rate, and any amounts repaid prior to date of application.

- d) Applicants shall be willing to practice full-time in a designated shortage area(s) in Illinois.
 - e) Applicants not yet in practice, or not yet in practice in a designated shortage area(s), shall document intent to do so by written confirmation from a community-based organization or agency, or from other health care providers located within the designated shortage area.
- Section 594.230 Selection Criteria for Distribution of Loan Repayment Funds**
- a) One-third of the available funds will be used for educational loan repayment of mid-level providers, if applications are sufficient in number to warrant the amount.
 - b) When numbers of applications are sufficient to support a geographical separation into urban and rural groupings, an equal number of applicants will be selected from each of the groups.
 - c) When numbers of applications are sufficient, an equal number of applicants shall be selected from Chicago and from the remaining urban areas of the State.
 - d) Within the geographical considerations, preference shall be given to applications from providers who will be working at sites that are serving a large minority population, in rural areas with ongoing problems recruiting providers, and migrant and community health centers.
 - e) Preference shall be given to applications from those providers who have been recruited by, or are actively involved with a community-based organization or group having as one of its goals the improvement or maintenance of the availability and accessibility of primary health care in its area.
 - f) When all other selection criteria are essentially equal among a group of applicants, preference will be given to the applicant with the greater educational indebtedness.
 - g) Applications shall have the following priority classifications applied to the location and other characteristics of the practice:
 - 1) Higher population-to-primary care physician ratio, new provider to area, and endorsement by community-based group or organization.
 - 2) Applicant in practice six months or less, higher ratio of population-to-primary care physician, and endorsement by community-based group or organization.
 - 3) Applicant new to area or in practice six months or less, but no endorsement by community-based group or organization.
 - h) Applications shall be accepted between July 1 and September 30 and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

considered for funding according to the criteria described above. If all funds are not expended, subsequent application cycles will occur on a quarterly basis until all funds are obligated.

i) Applicants who have previously received funding will be given priority consideration for continued participation in the program.

Section 594.240 Terms of Performance

- a) Each primary care physician or midlevel provider selected for educational loan repayment shall sign a written contract with the Department. The contract may contain additional terms and conditions which ensure compliance with the laws of the State of Illinois and enforcement of the contract. In fiscal years when National Health Service Corps State Loan Repayment Grant funds are awarded to the State, federal requirements shall be included in the contract.
- b) Primary care physicians and midlevel providers selected for loan repayment shall practice for a minimum of two years in a designated shortage area on a full-time basis. In fiscal years when National Health Service Corps State Loan Repayment Grant funds are awarded to the State for support of this program, loan repayment recipients must practice in federally designated health professional shortage areas. In years when no federal funds from the National Health Service Corps State Loan Repayment Grant are available, the practice site may be located in a shortage area as designated by the Department.
- c) Loan repayment recipients who move their practice from the location described in the recipient's original application shall relocate to an area which qualifies for the same or a higher priority ranking. Relocating to a lower priority area will result in termination of the loan repayment contract. The recipient will be eligible to reapply for the loan repayment program and be considered among all other applicants.
- d) Payments to recipients will be made by the Department on a semiannual basis. The recipient is responsible for payments to the appropriate financial institutions holding the recipients' educational loans.
- e) Loan repayment recipients who first agree to the minimum two years of service and who, after completing those years, apply for additional years of obligated service with loan repayment shall document that their loan balances as reported at the time of their first application to the program have been decreased at least by the amount paid to them by the Department during the first obligated service period. Documentation of loan balances shall be provided by the lending institution.
- f) Misrepresentation of the facts presented in the application or failure to meet the practice terms will be considered a breach of contract.
- g) Loan repayment recipients who agree to serve for two years and, for any reason, fail to complete the period of obligated service, shall be liable to repay an amount equal to the sum of the total amount paid to the recipient and an amount equal to the number of months of unserved

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

obligation multiplied by \$1000.

h) Loan repayment recipients who agree to serve for more than two years and, for any reason, fail to complete at least two years of the period of obligated service shall be liable to repay the amount as set forth in (g) above.

- i) Loan repayment recipients who agree to serve for more than two years and, for any reason, fail to complete the period of obligated service after completing at least two years of obligated service shall be liable to repay an amount equal to the sum of the total amounts paid to the recipient for any period of obligated service not served and \$10,000, if the recipient fails to give the Department at least one year prior notice of his or her intent to breach the obligation.
- j) Loan repayment recipients who do not complete at least one year of service shall be liable to repay an amount equal to the total number of months in the full period of obligated service multiplied by \$1000.
- k) In fiscal years when only State and local funds are available for support of this program, all obligations of the loan repayment recipient shall be excused in the event the recipient dies or becomes totally and permanently disabled. For purposes of this subsection, disability means a physical or mental disease impairment or condition which prevents practice in the recipients professional field with or without reasonable accommodation. Proof of disability shall be a declaration from the Social Security Administration, Illinois Industrial Commission, Department of Defense, or an insurer authorized to transact business in the State of Illinois who is an insurer of the recipient providing disability insurance coverage to the recipient.
- l) All amounts owed by the loan repayment recipients shall be paid within one year of the date the Department determines that the recipient is in breach of the program obligations.
- m) In the event the primary care physician or midlevel provider does not repay any funds owed to the Department, the Department may refer the matter to the Attorney General or to a collection agency.

SUBPART D: GRANTS TO EXPAND ACCESS TO COMPREHENSIVE
PRIMARY HEALTH CARE IN MEDICALLY UNDERSERVED AREAS OF ILLINOIS

Section 594.300 Availability of Funds

- a) In State fiscal year 1995, the monies in the Fund, less the lump sum transfer to the Illinois Development Finance Authority, and less the \$150,000 allocation for the educational loan repayment program, shall be distributed in equal amounts to support the following programs:
- 1) Grants to Develop Community Based Primary Care Centers (77 Ill. Adm. Code 596, Subpart B);
 - 2) Grants to Support Expansion of Community Health Centers' Programs (77 Ill. Adm. Code 596, Subpart D);
 - 3) Grants to support development, maintenance and expansion of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- educational experiences which will result in an increased supply of family physicians for Illinois' rural and its underserved areas (see Subpart E of this Part).
- b) In State fiscal year 1996 and all subsequent years, the monies in the fund as of June 30 of the prior fiscal year, less the \$150,000 allocation for the educational loan repayment program, shall be distributed in equal amounts to support the programs as proposed in subsection (a) of this Section.
- c) Monies allocated to each activity but not expended in a fiscal year shall be added to the allocation for the activity in the subsequent fiscal year.

SUBPART E: GRANTS TO SUPPORT PROJECTS WHICH WILL INCREASE THE SUPPLY OF FAMILY PHYSICIANS FOR ILLINOIS' UNDERSERVED AREAS

Section 594.400 Eligibility for Grants

This grant program is designed to improve the ability of medical schools and family practice residencies both to increase the numbers of and to better prepare family physicians for practice in underserved areas of the State.

- a) The following applicants are eligible to apply for grants through this Subpart:
- 1) any accredited family practice residency program located in Illinois;
 - 2) any school of medicine or osteopathy in Illinois with a department of family medicine or family practice;
 - 3) local health departments serving an underserved population;
 - 4) non-profit, community-based organizations or facilities, including but not limited to community health centers.
- b) Each application must be jointly submitted by at least two eligible applicants, with one being a residency program or medical or osteopathic school.

Section 594.410 Limitations on Use of Grant Funds

- a) Grant funds shall be used by the applicant to support project expenses, whether incurred at the applicants' central sites or at remote locations which are an integral part of the project. Project expenses include:
- 1) personal services expenses of staff directly involved in the project;
 - 2) medical equipment and supplies necessary for the operation of the project;
 - 3) staff, resident and student travel directly related to the project;
 - 4) nonmedical equipment and supplies necessary for the operation of the project;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 5) contractual services and rent necessary for the operation of the project;
 - 6) expenses associated with necessary facility remodeling;
 - 7) expenses associated with participation in an interactive telecommunication system, to establish telemetry and other electronic communication capabilities;
 - 8) other expenses critical to the operation of the project.
- b) Grant funds shall not be used to supplant other State or federal grants.
- c) Grant funds shall not be used to purchase real property.

Section 594.420 Project Requirements

- a) Projects to be funded through this Subpart shall respond to requests for proposals distributed by the Department which delineate project expectations.

b) Examples of projects to be addressed in the requests for proposals distributed by the Department include but are not limited to the following:

- 1) special experiences for medical students and residents that may result in an increase in the number of family physicians available for Illinois' rural areas and its medically underserved areas;
 - 2) educational programs to increase the teaching skills of practicing physicians who are, or want to become preceptors;
 - 3) educational programs to increase the teaching skills of family medicine faculty to better prepare students and residents for practice in rural and in medically underserved areas;
 - 4) innovative teaching models for students and residents interested in practices serving rural and medically underserved populations;
 - 5) interdisciplinary teaching models for health professional students;
 - 6) educational support programs to develop and maintain an interest in family medicine and other health professions for interested students from rural areas and medically underserved areas.
- c) Projects shall identify a director who is responsible for administrative and fiscal management of the project.
- d) Project directors shall annually submit fiscal and program objective reports as detailed in the Department's request for proposals.

Section 594.430 Application for Grants

- a) Applications shall be prepared and available from the Department for eligible applicants.
- b) Application formats shall include, but not be limited to:
- 1) summary statement of the applicant's plan of action to address the project(s) described in the Department's request for proposals;

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

NOTICE OF ADOPTED RULES

- 2) thorough explanation of the manner in which the proposed project would increase the numbers of, or abilities of, family physicians to meet the needs of rural and medically underserved populations;
- 3) statement of the measurable and relevant objectives the applicants propose to achieve in the grant year as well as the longer term goals;
- 4) a work plan and time table for achievement of the objectives;
- 5) an evaluation plan which will allow documentation of the project's progress in achieving its goals;
- 6) detailed budget with narrative description of the request;
- 7) description of the student, resident, faculty and other health professional involvement in the project;
- 8) description of the educational benefits the project offers students and residents which, without the project, would not be available to them;
- 9) description of the benefits the project offers other health care providers and citizens living in the rural and in the medically underserved areas affected by the projects.

- 2) projects which exhibit need for funds from this grant for the shortest period of time.

Section 594.440 Selection Criteria

- a) The review of the applications shall take into consideration the following criteria:
 - 1) potential effectiveness of the project to increase the number of family physicians available for Illinois' rural and medically underserved areas;
 - 2) degree to which the proposed project adequately provides for the training of health professionals to practice in rural and medically underserved areas;
 - 3) degree to which the applicants demonstrate a commitment to establishing and maintaining long-term collaborative relationships between academic institutions and health care facilities and providers in rural and in medically underserved areas;
 - 4) effectiveness of the organizational arrangements necessary to carry out the project;
 - 5) prior experiences of the applicants in projects which addressed needs of rural and medically underserved populations;
 - 6) extent to which the budget justification is reasonable and indicates that institutional and community support are available to support the project;
 - 7) extent to which the financial information indicates an effective utilization of grant funds and indicates the project has the potential to become self-sufficient.
- b) Additional selection criteria which will cause an application to receive priority consideration include:
 - 1) projects which are closest to operational status at time of application;

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Health Facilities Planning Procedural Rules

2) Code Citation: 77 Ill. Adm. Code 1130

Statement of Objection: 18 Ill. Reg. 17288; December 1, 1994

Date Agency Response Submitted for Approval to the Joint Committee:

3) Section Numbers: Adopted Action:

December 23, 1994

- 1130.140 Amendment
- 1130.210 Amendment
- 1130.310 Amendment
- 1130.410 Amendment
- 1130.520 Amendment
- 1130.530 Repealed
- 1130.570 Amendment
- 1130.620 Amendment
- 1130.650 Amendment
- 1130.710 Amendment
- 1130.720 Amendment
- 1130.730 Amendment
- 1130.740 Amendment
- 1130.750 Amendment
- 1130.760 Amendment
- 1130.770 Amendment
- 1130.780 Amendment
- 1130.790 New Section
- 1130.Appendix A Amendment

11) Difference Between Proposal and Final Version.

The following changes were made in response to public hearing testimony or comments received during first notice:

The title page has been revised deleting Section 1130.525 Requirements for Exemptions Involving the Establishment or Discontinuation of Chronic Renal Dialysis Category of Service, Hospital Based or Free Standing Facility.

Section 1130.140(j) has been revised as follows:

j) Discontinuation means to cease operation of an entire health care facility--or-to-~~cease-operation-of-a~~ or category of service ~~for-twelve months-or-more--or-when-a-category-of-service-fails--to-meet--service utilization--standards--by--the-second-year-of-operation--subsequent-to project-completion.~~ Discontinuation includes a determination by the State Board that:

- 1) a category of service has not been utilized for its intended purpose for a period of twelve months or more; or
- 2) a category of service approved after January 1, 1992 is not operating at utilization standards/target occupancy rates specified in 77 Ill. Adm. Code 1100, for that category of service by the end of the second year of operation after project completion and on average for any two-year period thereafter (based upon data reported by the facility to the State Agency pursuant to Section 13 of the Act), and that need no longer exists in the planning area based upon the existence of such factors as, but not limited to, access to other services in the planning area, excess service capacity in the planning area, and the facility's ability to adequately staff the existing service; or
- 3) an existing category of service is not operating at utilization standards/target occupancy rates specified in 77 Ill. Adm. Code 1100, for that category of service on average for any two-year period commencing on January 1, 1995 and thereafter (based upon data reported by the facility to the State Agency pursuant to Section 13 of the Act), and that need no longer exists in the planning area based upon the existence of such factors as, but not limited to, access to other services in the planning area, excess service capacity in the planning area, and the facility's ability to adequately staff the existing service.

4) Statutory Authority: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq. (20 ILCS 3960).

5) Effective Date of Amendments: March 1, 1995

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes

8) Date Filed in Agency's Principal Office: March 1, 1995

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:

June 17, 1994; 18 Ill. Reg. 8867

June 17, 1994; 18 Ill. Reg. 8861

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this/these rules? Yes

If "yes," please complete the following:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 1130.140(aa) has been revised as follows:

- aa) Substantially changes the scope or changes the functional operation of the facility means:
- 1) establishing an additional category of service as defined in Part 1100.220;
 - 2) discontinuation of an existing category of service when the service fails to meet utilization standards/target occupancy rates specified in Subpart B; Need-Formulas/Utilization-Targets of Part 1100 for a two-year period; or when a newly approved service fails to meet utilization standards/target occupancy rates as referenced above by the end of the second year of operation subsequent to project completion;
 - 2) discontinuation as defined in Section 1130.140(j);
 - 3) a change of a material representation made by the applicant in the "Application for Permit" subsequent to receipt of a permit including but not limited to the following which is relied upon by the State Board in making its decision. Material representations are those which provide a factual basis for issuance of a permit and include:
 - A) withdrawal or non-participation in the Medicare Medicare and/or Medicaid Medicaid programs;
 - B) charge information; any increase in the charges for a service for a period of two years from the date the service/facility becomes operational;
 - C) requirements of variances pursuant to 77 Ill. Adm. Code 1110.530(b); 1110.630(b); 1110.730(d); 1110.1330(i); 1110.1430(c); and 1110.1730(d). A change in admission prices for which a variance to computed bed need was granted pursuant to Sections 1110.530(f) and 1110.630(b); 1110.730(d); 1110.1330(i); and 1110.1730(d);
 - D) other representations made to the State Board as stipulated in the permit letter;

- 4) the addition of a surgical specialty for an ambulatory surgical treatment center not previously approved;
- 5) an increase of more than three dialysis stations or more than 10% of the facility's total number of dialysis stations, whichever is less, over a two-year period. The two-year period begins on the date the facility's additional stations are certified. When a permit is granted for additional stations or for the establishment of an additional facility/service, the facility may not add any more dialysis stations for two years from the date that such stations approved in the permit are certified without obtaining an additional permit;

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

AGENCY NOTE: All proposed capital expenditures (including those which do not substantially change the scope) in excess of the capital expenditure minimum require a permit, regardless of the purpose or nature of the project or transaction. However, it should also be noted that proposals for from the capital expenditure minimum or less including those with no capital expenditure, also require a permit if the project or transaction is for a substantial change in the facility's scope or functional operation.

Section 1130.310 Transactions Subject to Review has been revised as follows:

- a) A permit shall be obtained prior to the establishment, construction or modification of a health care facility which:
 - 1) requires a total capital expenditure in excess of the capital expenditure minimum. All capital expenditure minimums (Section 1130.140(d)) shall be annually adjusted to reflect the increase in construction costs due to inflation. On October first of each year, the minimums will be adjusted for inflation. The basis for such adjustment for major medical equipment shall be the latest annual inflation rate as reflected in the Producer's Price Index as calculated in the DRI Health Care Costs section on Special Machinery and Equipment (DRI/McGraw-Hill Health Care Costs, Data Resources, 1750 K Street, N.W., Suite 300, Washington D.C. 20006). The basis for the adjustment to capital expenditures other than major medical equipment shall be the latest annual inflation rate as reflected in the medical construction component of the Means Cost Data (R.S. Means Company Inc., 100 Construction Plaza, P.O. Box 800, Kingston, MA 02364-0800). The revised minimums shall be published as an appendix to this Part; or
 - 2) substantially changes the scope or changes the functional operation of the facility by construction or modification or by acquisition of new equipment or alteration of existing equipment and as defined in Section 1130.140(aa); or categories of service which have not been utilized for their intended purpose for a period of twelve months or more are considered to be discontinued; examples of substantial changes in scope or functional operation of a facility are:
 - A) the establishment or discontinuation of a category of service (as defined in 77 Ill. Adm. Code 1100.220) and 77 Ill. Adm. Code 1110.7
 - B) change of a representation made by the applicant in the Application for Permit subsequent to permit issuance including but not limited to the following: withdrawal or non-participation in the Medicare and/or Medicaid program; any increase in the charges for a service for a period of two years from the date the service/facility becomes operational;

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

operational; a change in admission policies for which a variance to be computed was granted pursuant to Sections 1130.540(a) and (b); 1130.630(b); 1130.730(d); 1130.1330(f); 1130.1430(c); 1130.1730(d);

- 3) results in the establishment of a health care facility; or
- 4) changes the bed capacity of a health care facility by increasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility or site to another by more than ten beds or more than ten percent of total bed capacity as defined by the State Board, whichever is less, over a two year period (pursuant to 77 Ill. Adm. Code 1100.220); or
- 5) discontinues an entire facility or category of service unless an exemption has been granted in accordance with the provisions of Section 1130.540; Categories of service which have not been utilized for their intended purpose for a period of twelve months or more are considered to be discontinued; any existing categories of service which fail to meet service utilization standards/target occupancy rates as specified in "Subpart B-Need Permits/Utilization Targets" of 77 Ill. Adm. Code 1100.400 for a two-year period or when a newly approved service fails to meet service utilization standards as referenced above by the second year of operation; subsequent to project completion are also considered to be discontinued; or

56) involves a change of ownership as defined in Section 1130.140 unless an exemption has been granted in accordance with the provisions of Section 1130.520.

- b) A permit must be obtained prior to the acquisition of major medical equipment unless an exemption has been granted in accordance with the provisions of Section 1130.510.
- c) Components of construction or modification which are interdependent must be grouped into one permit application. Interdependence occurs when components of construction or modification are architecturally and/or programmatically interrelated to the extent that undertaking one or more of the components compels the other components to be undertaken. In addition when components of construction or modification are to be undertaken by means of single construction contract, those components must be grouped into an application for permit. Projects involving acquisition of equipment which are linked with construction for the provision of a service cannot be segmented. A health service linkage exists when all components must be present for a service to be operational, or when financing is obtained at one

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

time for a series of related components. Computer software, for example, cannot be separated from the equipment needed to run the program.

- d) Examples of projects which constitute construction or modification of a health care facility and require a permit include:
 - 1) Projects located within a licensed or certified health care facility;
 - 2) Projects which result in a health care facility:
 - A) Billing for services provided by the proposed project,
 - B) Capitalizing any portion of the proposed project,
 - C) Receiving reimbursement for services provided by the proposed project, or,
 - D) Receiving recognition as the provider of the proposed service by third party payors;
 - 3) Projects which are staffed or operated by the health care facility;
 - 4) Projects which are otherwise of, by, through or on behalf of a health care facility.
- e) The discontinuation of an entire health care facility or category of service requires a permit unless an exemption has been granted in accordance with the provisions of Section 1130.540.

Section 1130.410 Transaction Which Are Exempt from Review was revised as follows:

The following proposed transactions are not subject to review if an exemption is granted by the State Board:

- a) the acquisition of major medical equipment which will not be owned by, operated in behalf of, or located in a health care facility or be used to provide services to an inpatient of a health care facility.
- b) the change of ownership of an existing health care facility.
- c) the discontinuation of an existing health care facility or of a category of service when that discontinuation is the result of
 - 1) revocation of or denial of license renewal by a State or local regulatory agency;
 - 2) for facilities not subject to licensure, the loss of certification;
 - 3) discontinuation action taken by the State Board; or
 - 4) the voluntary surrender of a suspended licenser; or
 - 5) when a category of service fails to meet utilization

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

~~standards/target-occupancy-rates-as-provided-in-Section-1130.1149-~~

~~d) establishment-or-discontinuation-of--a--chronic--renal--dialysis category-of-service-or-free-standing-facility.~~

Section 1130.520 Requirements for Exemptions Involving the Change in Ownership of a Health Care Facility added the phrase "and is in good standing" to the last sentence of 1130.520(b)(9).

Section 1130.525 Requirements for Exemptions Involving the Establishment or Discontinuation of Chronic Renal Dialysis Category of Service, Hospital Based or Free Standing Facility has been deleted.

Section 1130.570 Validity of an Exemption has been revised by deleting 1130.570(c) and changing "d" to "c"; "e" to "d"; and "f" to "e". In addition relabeled "e" has been revised as follows:

~~e) An exemption is not transferable nor of assignable, and nor can cannot it be bought over sold on its own or as part of any other transaction for--a--change--in--the-ownership-of-a-health-care-facility-or-for-the acquisition-of-major-medical-equipment--or--the--establishment--of--a chronic-renal-dialysis-service-or-free-standing-facility.~~

Section 1130.720(c)(3) has been revised as follows:

3) a revised breakdown of project ~~cost~~ costs and ~~of~~ sources and-uses of funds;

Section 1130.740(a)(1) has been revised as follows:

1) Projects which have not obtained permit renewals and which were obligated prior to May 1, 1990, must obtain permit renewals no later than March 26, 1994. ~~which-is-one-year-from-the-effective date-this-provision-became-effective;~~

Section 1130.750(a) has been revised to insert the word "proposed" before the word "alteration" in the second sentence.

Section 1130.750(c)(1) has been revised by adding "or stations" after the word "beds".

Section 1130.760(a) has been revised as follows:

a) Each permit holder shall submit semi-annual progress reports to the Agency every six months from the permit issuance date until such time as the project is completed. The semi-annual progress reports are due ~~no-earlier-than-30-days-prior-to-the-six-months--anniversary--date--of permit--issuance--and--no--earlier-than-five-months-thereafter, but no~~

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

~~later-than-six-months-thereafter~~ between 150-180 days subsequent to permit issuance and between 150-180 days thereafter. Such reports shall include:

- 1) current status of the project including: the percentage of the project finished; components finished and components yet to be finished; any changes in the scope of the project and size; and costs incurred to date and an itemized listing of the total current estimated project costs and sources of funds as detailed in 77 Ill. Adm. Code 1120 and a comparison of those costs to the approved permit amounts; and current information on financing for the project; and
- 2) the schedule of construction stages to completion; and
- 3) the anticipated date of completion.

Section 1130.770(c)(1) has been revised as follows:

- 1) a detailed itemization of all project costs and by sources and use of funds as detailed in 77 Ill. Adm. Code 1120;

In addition, various technical, editorial, and grammatical changes have been made in response to recommendations of the Joint Committee on Administrative Rules and the Administrative Code Division.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Repealer:

The amendments relate to the certificate of need procedural rules.

Section 1130.140 Definitions were amended to clarify the following: the requirements for completing projects which have been issued permits by the Health Facilities Planning Board; the conditions regarding when discontinuation of a health care facility or category of service occurs; what constitutes an existing health care facility; what is required to obligate a project which has been approved; and what constitutes a substantial change in scope or operation of a health care facility.

Section 1130.210 deletes health maintenance organizations as a type of

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

health care facility.

Section 1130.310 clarifies permit requirements for transactions which are subject to review.

Section 1130.410 deletes the health maintenance organization exemption and revises the exemption requirements for discontinuation.

Section 1130.520 deletes references to health maintenance organizations and adds a requirement for documentation that the applicant is authorized to conduct business in Illinois. In addition the Chairman acting on behalf of the State Board will have approval authority for those exemption applications which comply with notice requirements.

Section 1130.530 exemption requirements for health maintenance organizations is repealed.

Section 1130.570 revises the notice requirements for obtaining an exemption for the acquisition of major medical equipment and a change of ownership of a health care facility.

Section 1130.620 establishes a time (8:30 a.m.) for certificate of need applications for bed additions to be submitted in order to be considered complete on a given day.

Section 1130.650 adds an agency note explaining that certain changes to a certificate of need project void the application.

Section 1130.710 adds provisions concerning completion time frames for master construction projects.

Section 1130.720 revises authorization to obligate requirements and contains provisions concerning alterations as well as any increases to the permit amount.

Section 1130.730 adds a requirement that the amount of funds expended on a project be provided as information when requesting an extension of the obligation period and also requires permit holders to demonstrate good cause.

Section 1130.740 clarifies certain permit renewal and completion dates and adds various data requirements which must be contained in a request for a permit renewal.

Section 1130.750 revises the requirements for alterations and the types of alterations which require State Board approval including any increase in a permit amount.

Section 1130.760 clarifies the reporting requirements and time frames for submission of semi-annual progress reports.

Section 1130.770 clarifies the data requirements for final cost reports, establishes time frames for project completion and deletes a 10% allowance to the permit amount for projects approved by the State Board.

Section 1130.780 deletes a section regarding revocation proceedings for failure to request a permit renewal. Permits which are not renewed expire and are not subject to an administrative hearing.

Section 1130.790 adds a new section which details the statutory sanctions established in the Act.

16) Information and Questions Regarding this Adopted Repealer Shall be Directed to:

Gail M. DeVito
 Administrative Rules Coordinator
 Division of Governmental Affairs
 535 West Jefferson
 Springfield, Illinois 62761
 217/782-6187

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
 PLANNING BOARD

SUBCHAPTER b: OTHER BOARD RULES

PART 1130

HEALTH FACILITIES PLANNING PROCEDURAL RULES

SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

Section
 1130.110 Statutory Authority/Applicability
 1130.120 Public Hearings
 1130.130 Purpose
 1130.140 Definitions
 1130.150 Incorporated Materials

SUBPART B: WHO IS SUBJECT TO THE HEALTH FACILITIES PLANNING ACT

Section
 1130.210 Persons Subject to the Act
 1130.220 Necessary Parties to the Application for Permit or Exemption

SUBPART C: TRANSACTIONS SUBJECT TO REVIEW

Section
 1130.310 Transactions Subject to Review

SUBPART D: TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW

Section
 1130.410 Transactions Which Are Exempt from Review

SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

Section
 1130.510 Requirements for Exemptions Involving the Acquisition of Major Medical Equipment
 1130.520 Requirements for Exemptions Involving the Change in Ownership of a Health Care Facility Other Than a Health Maintenance Organization
 1130.530 Requirements for Exemptions Involving Health Maintenance Organizations
 1130.540 Requirements for Exemptions Involving Involuntary Discontinuation
 1130.550 Agency Processing of an Application for Exemption
 1130.560 State Board Action
 1130.570 Validity of an Exemption

SUBPART F: PROCEDURAL REQUIREMENTS FOR THE REVIEW AND PROCESSING OF

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

APPLICATIONS FOR PERMIT

Section
 1130.610 Duration of the Review Period and Time Frames
 1130.620 Consultation, Classification and Completeness Review
 1130.630 Agency Actions During the Review Period
 1130.640 Extension of the Review Period Prior to Initial State Board Action
 1130.650 Modification of an Application
 1130.660 Approval of an Application
 1130.670 Notice of Intent-to-Deny an Application
 1130.680 Denial of an Application

SUBPART G: PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION

Section
 1130.710 Validity of Permits
 1130.720 Authorization to Obligate and Obligation
 1130.730 Extension of the Obligation Period
 1130.740 Renewal of a Permit
 1130.750 Alteration of a Project for which a Permit Has Been Issued
 1130.760 Semi-Annual Progress Reports
 1130.770 Project Completion, Final Realized Costs and Cost Overruns
 1130.780 Revocation of a Permit

SUBPART H: DECLARATORY RULINGS

Section
 1130.810 Declaratory Rulings

APPENDIX A Annual Inflation Adjustments to Review Thresholds

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1151 et seq.) (20 ILCS 3960).

SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; emergency amendment at 15 Ill. Reg. 4787, effective March 18, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 9731, effective June 17, 1991; emergency amendments at 16 Ill. Reg. 13153, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 17 Ill. Reg. 4448, effective March 24, 1993; amended at 17 Ill. Reg. 5882, effective March 26, 1993; amended at 18 Ill. Reg. 2942, effective MAR 01 1995.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 1130-APPENDIX A Annual Inflation Adjustments to Review Thresholds

1. Capital Expenditures (Other than Major Medical Equipment):

Baseline	Inflation Factor	Revised Review Threshold	Effective Date of Revision
\$2,000,000	1.035	\$2,070,000	
\$2,070,000	1.035	\$2,121,750	
\$2,121,750	1.035	\$2,157,820	October 1, 1991
\$2,157,820	1.027	\$2,216,448	Effective-date-of-this 1993-rulemaking
			March 26, 1993

2. Major Medical Equipment:

Baseline	Inflation Factor	Revised Review Threshold	Effective Date of Revision
\$1,000,000	1.028	\$1,028,000	
\$1,028,000	1.049	\$1,078,372	
\$1,078,372	1.037	\$1,118,272	October 1, 1991
\$1,118,272	1.036	\$1,158,530	Effective-date-of-this 1993-rulemaking
			March 26, 1993

3. Calculation of Inflation Factors:

Inflation factors, for capital equipment projects represent the percentage increase or decrease in the related health care costs from July 1st of the preceding calendar year to July 1st of the year for which the adjustment is to be made. The capital threshold is adjusted utilizing the annualized data from the report year as compared to the preceding year. A growth in costs of five percent during this twelve-month period would result in an inflation factor of 1.05.

4. Source of Data:

The capital expenditure threshold adjustment for all items other than major medical equipment is taken from the Hospitals component of Square Footage, Cubic Feet and Percent of Total Costs (Item 460) from "Building Construction Cost Data 1990, 48th Annual Edition."

*The baseline threshold amounts have been adjusted for inflation for the period of 1988 to 1989. The calculated adjustment shown reflects the 1989 to 1990 time period.

(Source: amended at 18 Ill. Reg. 2972, effective MAR 01 1995)

1) Heading of the Part: Narrative and Planning Policies

2) Code Citation: 77 Ill. Adm. Code 1100

3) Section Numbers: 1100.750
Adopted Action: New Section

4) Statutory Authority: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill Rev Stat 1991, ch. 111 1/2, par. 1151 et seq.) [20 ILCS 3960].

5) Effective Date of Rulemaking: March 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

8) Date Filed in Agency's Principal Office: March 1, 1995

9) Notice of Proposal Published in Illinois Register: June 24, 1994; 18 Ill. Reg. 9357

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

The following revisions were made in response to comments received during the first notice period:

The last sentence of Section 1100.750(c)(2) was changed from "All Health Service Areas exceed this standard." to "Health Service Areas that exceed this standard are Health Service Areas 5 and 11."

Section 1100.750(d) has been revised to read as follows:

Bed Capacity: A postsurgical recovery care center shall be no larger than 20 beds. (Section 35 of the Alternative Health Care Delivery Act; (20 ILCS 3/35) Bed capacity within a postsurgical recovery care center shall be inventoried as a separate category of service.

Section 1100.750(e) was changed from "All beds utilized for patient care should have an occupancy exceeding 80% or higher."

Section 1100.750(f)(4) was changed to read as follows:

Two in municipalities (as defined in subsection (a)(4), one of which must be located in a freestanding ambulatory surgical treatment center facility. In addition, various technical, editorial, and grammatical changes have been made in response to recommendations of

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

the Joint Committee on Administrative Rules and the Administrative Code Division.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
The Department has made all the changes to which it agreed with the Joint Committee.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

This rulemaking creates a need methodology for use in allocating the need for programs under the postsurgical recovery care center model. Centers of this type were established as test models under the Alternative Health Care Delivery Act.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Gail M. DeVito
Address: Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson
Springfield, Illinois 62761
Telephone: (217)782-6187

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1100
NARRATIVE AND PLANNING POLICIES

SUBPART A: GENERAL NARRATIVE

Section	Introduction
1100.10	Authority
1100.20	Purpose
1100.30	Health Maintenance Organizations (Repealed)
1100.40	Subchapter Organization
1100.50	Mandatory Reporting of Data
1100.60	Data Appendices
1100.70	Institutional Master Plan Hospitals (Repealed)
1100.80	Public Hearings
1100.90	

SUBPART B: GENERAL DEFINITIONS

Section	Introduction
1100.210	Definitions
1100.220	

SUBPART C: PLANNING POLICIES

Section	Need Assessment
1100.310	Staffing
1100.320	Professional Education
1100.330	Public Testimony
1100.340	Multi-Institutional Systems
1100.350	Modern Facilities
1100.360	Occupancy-Utilization Standards
1100.370	Systems Planning
1100.380	Quality
1100.390	Location
1100.400	Needed Facilities
1100.410	Discontinuation
1100.420	Coordination with Other State Agencies
1100.430	

SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section	Introduction, Formula Components and Planning Area Development
1100.510	

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1100.520 Medical-Surgical/Pediatric Categories of Service
- 1100.530 Obstetric Category of Service
- 1100.540 Intensive Care Category of Service
- 1100.550 Comprehensive Physical Rehabilitation Category of Service
- 1100.560 Acute Mental Illness Categories of Service
- 1100.570 Substance Abuse Category of Service
- 1100.580 Neonatal Intensive Care Category of Service
- 1100.590 Burn Category of Service
- 1100.600 Therapeutic Radiology Equipment
- 1100.610 Open Heart Surgery Category of Service
- 1100.620 Cardiac Catheterization Services
- 1100.630 Chronic Renal Dialysis Category of Service
- 1100.640 Non-Hospital Based Ambulatory Surgery
- 1100.650 Computer Systems (Repealed)
- 1100.660 General Long-Term Care Category of Service
- 1100.670 Specialized Long-Term Care Categories of Service
- 1100.680 Magnetic Resonance
- 1100.690 High Linear Energy Transfer (L.E.T.)
- 1100.700 Positron Emission Tomographic Scanning (P.E.T.)
- 1100.710 Extracorporeal Shock Wave Lithotripsy
- 1100.720 Selected Organ Transplantation
- 1100.730 Kidney Transplantation
- 1100.740 Subacute Care Hospital Model
- 1100.750 Postsurgical Recovery Care Center Alternative Health Care Model

APPENDIX A Applicable Codes and Standards Utilized in 77 Ill. Adm. Code: Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1151 et seq.) [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344, effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992; amended at 18 Ill. Reg. 2986, effective February 10, 1994; amended at 19 Ill. Reg. 8448, effective July 1, 1995; amended at 19 Ill. Reg. 2985, effective July 1, 1995.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- Section 1100.750 Postsurgical Recovery Care Center Alternative Health Care Model
 - a) Planning Areas:
 - 1) The City of Chicago;
 - 2) Cook County outside the City of Chicago;
 - 3) Kane, Lake, and McHenry Counties;
 - 4) Municipalities with a population greater than 50,000 not located in the areas described in subsections (a)(1), (2), and (3) of this Section. Municipalities means geographic areas designated as Metropolitan Statistical Area by the Bureau of the Census; and Rural areas, i.e., all areas exclusive of subsections (a)(1), (2), (3), and (4) of this Section.
 - b) Age Groups:
 - 1) All ages
 - c) Development Restrictions:
 - 1) No proposed postsurgical recovery care center alternative health care model shall be located in counties with populations greater than 600,000 but less than 1,000,000. (Section 30(a) of the Alternative Health Care Delivery Act [210 ILCS 3/30(a)])
 - 2) A proposed postsurgical recovery care center alternative health care model must be owned or operated by a hospital if it is to be located within, or will primarily serve the residents of, a health service area (see Section 1100.220 for definition of Health Service Area) in which more than 60% of the gross patient revenue of the hospitals within that health service area are derived from Medicare and Medicaid, according to the most recently available calendar year data from the Illinois Health Care Cost Containment Council. (Section 30(a) of the Alternative Health Care Delivery Act [210 ILCS 3/30(a)]) Health Service Areas which exceed this standard are Health Service Areas 5 and 11.
 - 3) Restrictions delineated above shall not preclude a hospital and an ambulatory surgical treatment center from forming a joint venture or developing a collaborative agreement to own or operate a postsurgical recovery care center. (Section 30(a) of the Alternative Health Care Delivery Act [210 ILCS 3/30a])
 - 4) An applicant proposing to locate a postsurgical recovery care center within or attached to an existing Ambulatory Surgical Treatment Center or Hospital must document that the facility has been licensed as an ambulatory surgical treatment center or hospital for at least two years before August 20, 1993. (Section 35 of the Alternative Health Care Delivery Act [210 ILCS 3/35])
 - d) Bed Capacity:
 - 1) A postsurgical recovery care center shall be no larger than 20 beds. (Section 35 of the Alternative Health Care Delivery Act [210 ILCS 3/35])
 - 2) Bed capacity within a postsurgical recovery care center shall be inventoried as a separate category of service.
 - e) Occupancy Targets:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

Beds should have an occupancy of 80% or higher.

f) Need Determination:

There shall be no more than a total of eight postsurgical recovery care center alternative health care models in the demonstration program, located as follows:

- 1) One in the City of Chicago.
- 2) One in Cook County outside the City of Chicago.
- 3) Two in Kane, Lake and McHenry Counties: one of which must be located in a freestanding ambulatory surgical treatment center facility.
- 4) Two in municipalities (as defined in subsection (a)(4)), one of which must be located in a freestanding ambulatory surgical treatment center facility.
- 5) Two in rural areas, (as defined in subsection (a)(5)), both of which shall be owned or operated by hospitals. (Section 30(a-5) of the Alternative Health Care Delivery Act [210 ILCS 3/30(a-5)])

(Source: MAR 01 1995 19 Ill. Reg. 2985, effective

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Processing, Classification Policies and Review Criteria

2) Code Citation:

77 Ill. Adm. Code 1110

3) Section Numbers:

Adopted Action:

1110.2610 New Section
1110.2620 New Section
1110.2630 New Section
1110.2640 New Section
1110.2650 New Section

4) Statutory Authority:

Implementing and authorized by the Illinois Health Facilities Planning Act (Ill Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.) (20 ILCS 3960).

5) Effective Date of Amendments:

March 1, 1995

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain Any Incorporations by Reference? No

8) Date Filed in Agency's Principal Office: March 1, 1995

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: June 24, 1994; 18 Ill. Reg. 9364

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? No

11) Difference Between Proposal and Final Version:

The following revisions were made in response to comments received during the first notice period:

The following new sentence was added at the end of Section 1110.2610(c):

All data requests of this type shall be a component of the semi-annual progress reports required of all permit holders. Data collected shall be provided to the Department of Public Health and

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

the Illinois State Board of Health for use in their evaluation of the model.

The following new sentence was added after the first sentence in Section 1110.2610(d):

All postsurgical recovery care center alternative health care models for the purposes of review shall be considered the establishment of a category of service rather than an addition of beds. Therefore, the 60 day review requirement of 77 Ill. Adm. Code 1130.610(b) for bed projects shall not apply to applications of this type.

Section 1110.2610(d) has been revised to specify that applicants will not be allowed to amend their applications or provide additional documentation during the review process, prior to the initial State Board decision.

A new subsection (e) and Agency Note were added to Section 1110.2610 as follows:

- e) Applications received for the postsurgical care center alternative health care model must be received by the State Agency between 8:30 and 5:00 p.m. in accordance with the following schedule. All applications received by the State Agency not in accord with this schedule shall not be accepted and returned to the applicant.
- 1) projects located in the city of Chicago May 1-12, 1995;
 - 2) projects located in Cook county outside the city of Chicago May 1-12, 1995;
 - 3) projects located in Kane, Lake and McHenry counties May 1-12, 1995;
 - 4) projects located in municipalities as defined in 77 Ill. Adm. Code 1100.750 June 1-12, 1995;
 - 5) projects located in rural areas as defined in 77 Ill. Adm. Code 1100.750 June 1-12, 1995;
 - 6) If the need for the number of models specified in 77 Ill. Adm. Code 1100.750 has not been met following the completion of State Board review of all applications submitted within the above schedule, the State Board shall not accept subsequent applications for any remaining sites until December 8, 1995.

Agency Note: It is the applicant's responsibility to assure that the application has been received during the prescribed time frames and dates specified.

Section 1110.2630(a) has been revised to read as follows:

Need/Unit Size--Review Criterion

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

The applicant must specify the number of beds to be in the proposed postsurgical recovery care center. The applicant must also document that the proposed number of beds is justified (utilizing the 80% occupancy target) based upon the anticipated number of patients who will utilize the service. Documentation shall consist of: patient identification numbers, ICD 9 Code or procedure type, patient length of stay and referral surgical site for each inpatient surgical case which occurred in surgical referral sites over the last twelve month period that could have received surgical recovery services within the model if it had been available.

Section 1110.2630(b) has been revised to read as follows:

Staffing--Review Criterion

The applicant must document that the postsurgical recovery care center will be a separate and distinct (physically separate and identifiable) facility and have a dedicated nursing staff (i.e., that staff members working a shift are assigned only to cover the model), a medical director and 24 hour seven days a week on call physician coverage by a physician licensed to practice medicine in all of its branches. The on-call physician must be able to be physically present at the model within 15 minutes upon request. Documentation shall consist of: physical layout of the center (i.e., design drawings), identification of the number and type of staff positions dedicated to the model, identification of the facility medical director including a signed commitment to the facility by that person stating a willingness to hold such a position and evidence that the required physician coverage will be accomplished.

Section 1110.2630(c) has been revised to read as follows:

Patient Mix--Review Criterion

The applicant must document that the postsurgical recovery care center is capable of providing recovery care to patients receiving a wide variety of surgical procedures. For the purposes of this rule the following specialties (listing not inclusive of all surgical procedures that can recover in the model) shall be recognized: general surgery; eyes-ears-nose and throat; orthopedic; plastic surgery; ophthalmology; urology; obstetric-gynecology; and gastro-enterology. The applicant must document that anticipated referrals would result in admissions coming from at least three of these surgical specialties and that each of the three specialty groups represents a minimum of 10% of facility admissions totalling at least 30%. Documentation shall consist of a detailed listing of the types of surgical procedures which will be performed for which recovery care will be provided and the protocols as to how recovery

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

care will be given to each type of surgical patient with details concerning how patient safety will be assured.

In Section 1110.2630(d) the requirement that models be located within a particular travel time from all surgical referral sites has been increased from 15 to 30 minutes and "under normal driving conditions" has been changed to "by medical transport".

The following sentence has been added to the end of Section 1110.2630(d):

The applicant must also document who will have the responsibility for the transfer of patients from the surgical site to the postsurgical recovery care center and provide all transfer protocols which must demonstrate the safe transfer of the surgical patients to the recovery care center from each surgical referral site.

The following has been added after "patients" at the end of Section 1110.2630(d):

and the requirements established by the model for the education of staff in emergency procedures. Each postsurgical recovery care center must document that a crash cart is available on site and that staff trained in cardiac defibrillation are available at all times.

Section 1110.2630(f) has been deleted from the rulemaking.

Section 1110.2640(a) has been revised to specify that the State Board will review all applications instead of only qualified applications as proposed.

In Section 1110.2640(b)(2)(G) a new condition to be considered in the State Board's evaluation of applications has been added as follows:

G) Accreditation of the applicant facility or facilities by JCAHO or AAHC.---3 Points.

The following has been added at the end of Section 1110.2640(b)(3):

Competing applications within a planning area which have obtained the points necessary for permit consideration shall be evaluated by the State Board to determine which application best implements the goals of the Health Facilities Planning Act and the Alternative Health Care Delivery Act.

The following sentence has been deleted from Section 1110.2650 (a):

If during the course of the model evaluation period an approved provider of the model elects to discontinue the category of service a

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

replacement provider of the same type may be approved by the State Board.

The last sentence of Section 1110.2650 (a) has been revised to read:

Any alteration, discontinuation of service, or abandonment to the approved category of service during the life of the permit is subject to State Board review.

The following has been added at the end of Section 1110.2650(b):

Charges may be annually adjusted for inflation not to exceed the growth in the health care component of the Consumer Price Index.

Various technical, editorial, and grammatical changes have been made in response to recommendations of the Joint Committee on Administrative Rules and the Administrative Code Division.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect?

No

14) Are there any other Amendments Pending on this Part?

No

15) Summary and Purpose of Repealer:

The rulemaking creates review criteria, definitions and procedural steps required of an applicant seeking to be designated as a postsurgical recovery care center model. Centers of this type were established as test models under the Alternative Health Care Delivery Act.

16) Information and Questions Regarding this Adopted Repealer Shall be Directed to:

Gail M. DeVito
Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson
Springfield, Illinois 62761
217/782-6187

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1110

PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section

1110.10

Introduction to Part 1110

1110.20

Projects Required to Obtain a Permit (Repealed)

1110.30

Processing and Reviewing Applications

1110.40

Classification of Projects

1110.50

Recognition of Services Which Existed Prior to Permit Requirements

1110.55

Recognition of Non-Hospital Based Ambulatory Surgery Category of Service

1110.60

Master Design Projects

SUBPART B: REVIEW CRITERIA--DISCONTINUATION

Section

1110.110

Introduction

1110.120

Discontinuation--Definition

1110.130

Discontinuation--Review Criteria

SUBPART C: GENERAL REVIEW CRITERIA APPLICABLE TO ALL PROJECTS OTHER THAN DISCONTINUATION

Section

1110.210

Introduction

1110.220

Definitions--General Review Criteria

1110.230

General Review Criteria

1110.235

Additional General Review Criteria

1110.240

Mergers, Consolidations and Acquisitions

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS INVOLVING ESTABLISHMENT OF ADDITIONAL BEDS OR SUBSTANTIAL CHANGE IN BED CAPACITY

Section

1110.310

Introduction

1110.320

Bed Related Review Criteria

SUBPART E: MODERNIZATION REVIEW CRITERIA

Section

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

1110.410 Introduction
1110.420 Modernization Review Criteria

SUBPART F: CATEGORY OF SERVICE REVIEW CRITERIA--MEDICAL/SURGICAL, OBSTETRIC, PEDIATRIC AND INTENSIVE CARE

Section
1110.510 Introduction
1110.520 Medical/Surgical, Obstetric, Pediatric and Intensive Care--Definitions
1110.530 Medical/Surgical, Obstetric, Pediatric and Intensive Care--Review Criteria

SUBPART G: CATEGORY OF SERVICE REVIEW CRITERIA--COMPREHENSIVE PHYSICAL REHABILITATION

Section
1110.610 Introduction
1110.620 Comprehensive Physical Rehabilitation--Definitions
1110.630 Comprehensive Physical Rehabilitation--Review Criteria

SUBPART H: CATEGORY OF SERVICE REVIEW CRITERIA--ACUTE MENTAL ILLNESS

Section
1110.710 Introduction
1110.720 Acute Mental Illness--Definitions
1110.730 Acute Mental Illness--Review Criteria

SUBPART I: CATEGORY OF SERVICE REVIEW CRITERIA--SUBSTANCE ABUSE

Section
1110.810 Introduction
1110.820 Substance Abuse--Definitions
1110.830 Substance Abuse--Review Criteria

SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA--NEONATAL INTENSIVE CARE

Section
1110.910 Introduction
1110.920 Neonatal Intensive Care--Definitions
1110.930 Neonatal Intensive Care--Review Criteria

SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA--BURN TREATMENT

Section
1110.1610 Introduction

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

1110.1020 Burn--Definitions
1110.1030 Burn Treatment--Review Criteria

SUBPART L: CATEGORY OF SERVICE REVIEW CRITERIA--THERAPEUTIC RADIOLOGY

Section
1110.1110 Introduction
1110.1120 Therapeutic Radiology--Definitions
1110.1130 Therapeutic Radiology--Review Criteria

SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA--OPEN HEART SURGERY

Section
1110.1210 Introduction
1110.1220 Open Heart Surgery--Definitions
1110.1230 Open Heart Surgery--Review Criteria

SUBPART N: CATEGORY OF SERVICE REVIEW CRITERIA--CARDIAC CATHETERIZATION

Section
1110.1310 Introduction
1110.1320 Cardiac Catheterization--Definitions
1110.1330 Cardiac Catheterization--Review Criteria

SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA--CHRONIC RENAL DIALYSIS

Section
1110.1410 Introduction
1110.1420 Chronic Renal Dialysis--Definitions
1110.1430 Chronic Renal Dialysis Review Criteria

SUBPART P: CATEGORY OF SERVICE REVIEW CRITERIA--NON-HOSPITAL BASED AMBULATORY SURGERY

Section
1110.1510 Introduction
1110.1520 Non-Hospital Based Ambulatory Surgery--Definitions
1110.1530 Non-Hospital Based Ambulatory Surgery--Projects Not Subject to This Part
1110.1540 Non-Hospital Based Ambulatory Surgery--Review Criteria

SUBPART Q: CATEGORY OF SERVICE REVIEW CRITERIA--COMPUTER SYSTEMS

Section
1110.1610 Introduction (Repealed)

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

1110.1620 Computer Systems--Definitions (Repealed)
1110.1630 Computer Systems--Review Criteria (Repealed)

SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA--GENERAL LONG-TERM CARE

Section
1110.1710 Introduction
1110.1720 General Long-Term Care--Definitions
1110.1730 General Long-Term Care--Review Criteria

SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA--SPECIALIZED LONG-TERM CARE

Section
1110.1810 Introduction
1110.1820 Specialized Long-Term Care--Definitions
1110.1830 Specialized Long-Term Care--Review Criteria

SUBPART T: CATEGORY OF SERVICE REVIEW CRITERIA--MAGNETIC RESONANCE

Section
1110.1910 Introduction
1110.1920 Magnetic Resonance--Definitions
1110.1930 Magnetic Resonance--Review Criteria

SUBPART U: CATEGORY OF SERVICE REVIEW CRITERIA--HIGH LINEAR ENERGY TRANSFER (L.E.T.)

Section
1110.2010 Introduction
1110.2020 High Linear Energy Transfer (L.E.T.)--Definitions
1110.2030 High Linear Energy Transfer (L.E.T.)--Review Criteria

SUBPART V: CATEGORY OF SERVICE REVIEW CRITERIA--POSITRON EMISSION TOMOGRAPHIC SCANNING (P.E.T)

Section
1110.2110 Introduction
1110.2120 Positron Emission Tomographic Scanning (P.E.T.)--Definitions
1110.2130 Positron Emission Tomographic Scanning (P.E.T.)--Review Criteria

SUBPART W: CATEGORY OF SERVICE REVIEW CRITERIA--EXTRACORPOREAL SHOCK WAVE LITHOTRIPSY

Section
1110.2210 Introduction

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

1110.2220 Extracorporeal Shock Wave Lithotripsy--Definitions
1110.2230 Extracorporeal Shock Wave Lithotripsy--Review Criteria

SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA--SELECTED ORGAN TRANSPLANTATION

Section
1110.2310 Introduction
1110.2320 Selected Organ Transplantation--Definitions
1110.2330 Selected Organ Transplantation--Review Criteria

SUBPART Y: CATEGORY OF SERVICE REVIEW CRITERIA--KIDNEY TRANSPLANTATION

Section
1110.2410 Introduction
1110.2420 Kidney Transplantation--Definitions
1110.2430 Kidney Transplantation--Review Criteria

SUBPART Z: CATEGORY OF SERVICE REVIEW CRITERIA--SUBACUTE CARE HOSPITAL MODEL

Section
1110.2510 Introduction
1110.2520 Subacute Care Hospital Model--Definitions
1110.2530 Subacute Care Hospital Model--Review Criteria
1110.2540 Subacute Care Hospital Model--State Board Review
1110.2550 Subacute Care Hospital Model--Project Completion

SUBPART AA: CATEGORY OF SERVICE REVIEW CRITERIA--POSTSURGICAL RECOVERY CARE CENTER ALTERNATIVE HEALTH CARE MODEL

Section
1110.2610 Introduction
1110.2620 Postsurgical Recovery Care Center Alternative Health Care Model--Definitions
1110.2630 Postsurgical Recovery Care Center Alternative Health Care Model--Review Criteria
1110.2640 Postsurgical Recovery Care Center Alternative Health Care Model--State Board Review
1110.2650 Postsurgical Recovery Care Center Alternative Health Care Model--Project Completion

APPENDIX A
APPENDIX B
APPENDIX C

Medical Specialty Eligibility/Certification Boards
State and National Norms on Square Footage by Department
Statutory Citations for All State and Federal Laws and Regulations Referenced in Chapter 9 1110

AUTHORITY: Implementing and authorized by the Illinois Health Facilities

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1151 et seq.) [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987; amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; emergency amendments at 16 Ill. Reg. 13159, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 16 Ill. Reg. 16108, effective October 2, 1992; amended at 17 Ill. Reg. 4453, effective March 24, 1993; amended at 18 Ill. Reg. 2993, effective February 10, 1994; amended at 18 Ill. Reg. 8455, effective July 1, 1994; amended at 19 Ill. Reg. 2291, effective **MAR 01 1995**.

SUBPART AA: CATEGORY OF SERVICE REVIEW CRITERIA-POSTSURGICAL RECOVERY CARE CENTER ALTERNATIVE HEALTH CARE MODEL

CENTER ALTERNATIVE HEALTH CARE MODEL

Section 1110.2610 Introduction

- a) Subpart AA of this Part contains review criteria which pertain to the postsurgical recovery care center alternative health care model category of service. The postsurgical recovery care center alternative health care model category of service is a demonstration program which is authorized by the Alternative Health Care Delivery Act. These postsurgical recovery care center alternative health care model review criteria are utilized in addition to the General Review Criteria contained in Subpart C of this Part and in addition to the Financial and Economic Feasibility Review Criteria contained in 77 Ill. Adm. Code 1120. This Subpart also contains the methodology the State Board shall utilize in evaluating competing applications, if any, for the establishment of any postsurgical recovery care center alternative health care models.
- b) A postsurgical recovery care center alternative health care model must obtain a certificate of need permit to establish the category of service prior to receiving a license for the service. Failure to obtain such permit will result in the application of sanctions as provided for in the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.) [20 ILCS 3960].
- c) As the purpose of the demonstration project is to evaluate the model for quality factors, access and the impact on health care cost, each applicant approved for the category of service will be required to

periodically submit data necessary for evaluating the model's effectiveness. All data requests of this type shall be a component of the semi-annual progress reports required of all permit holders. Data collected shall be provided to the Department of Public Health and the Illinois State Board of Health for use in their evaluation of the model.

d) Applications received for the postsurgical recovery care center alternative health care model shall be deemed complete upon receipt by the State Agency. All postsurgical recovery care center alternative health care models for the purposes of review shall be considered the establishment of a category of service rather than an addition of beds. Therefore, the 60 day review requirement of 77 Ill. Adm. Code 1130.610(b) for bed projects shall not apply to applications of this type. Due to the comparative nature of the postsurgical recovery care center alternative health care model review applicants will not be allowed to amend the application or provide additional supporting documentation during the review process prior to the initial State Board decision. The application, as submitted to the State Agency, shall serve as the basis for all standard and prioritization evaluations.

e) Applications received for the postsurgical recovery care center alternative health care model must be received by the State Agency between 8:30 and 5:00 p.m. in accordance with the following schedule. All applications received by the State Agency not in accord with this schedule shall not be accepted and returned to the applicant.

- 1) Projects located in the city of Chicago - May 1-12, 1995;
- 2) Projects located in Cook county outside the city of Chicago - May 1-12, 1995;
- 3) Projects located in Kane, Lake and McHenry counties - May 1-12, 1995;
- 4) Projects located in municipalities as defined in 77 Ill. Adm. Code 1100.750 - June 1-12, 1995;
- 5) Projects located in rural areas as defined in 77 Ill. Adm. Code 1100.750 - June 1-12, 1995.

6) If the need for the number of models specified in 77 Ill. Adm. Code 1100.750 has not been met following the completion of State Board review of all applications submitted within the above schedule, the State Board shall not accept subsequent applications for any remaining sites until December 8, 1995.

Agency Note: It is the applicant's responsibility to assure that the application has been received during the prescribed time frames and dates specified.

(Source: Added at 19 Ill. Reg. 2291, effective **MAR 01 1995**)

Section 1110.2620 Postsurgical Recovery Care Center Alternative Health Care Model-Definitions

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- a) "Postsurgical Recovery Care Center" is a designated site which provides postsurgical recovery care for generally health patients undergoing surgical procedures that require overnight nursing care, pain control, or observation that would otherwise be provided in an inpatient setting. Such a center may be either freestanding or a defined unit of an ambulatory surgical treatment center or hospital. The maximum length of stay for patients in a postsurgical recovery care center is not to exceed 72 hours. (Section 35 of the Alternative Health Care Delivery Act [210 ILCS 3/35])
- b) "Postsurgical Recovery Care Center Alternative Health Care Model" means a category of service for the provision of postsurgical recovery care within a postsurgical recovery care center.
- c) "Surgical Referral Site" means an ambulatory surgical treatment center or hospital in which surgery will be performed and the surgical patient then transferred to the recovery care center.

(Source: Added 19 Ill. Reg. 2991 effective 10/1/1995)

Section 1110.2630 Postsurgical Recovery Care Center Alternative Health Care Model-Review Criteria

- a) Need/Unit Size--Review Criterion

The applicant must specify the number of beds to be in the proposed postsurgical recovery care center. The applicant must also document that the proposed number of beds is justified (utilizing the 80% occupancy target) based upon the anticipated number of patients who will utilize the service. Documentation shall consist of: patient identification numbers, ICD 9 Code or procedure type, patient length of stay and surgical referral site for each inpatient surgical case which occurred in surgical referral sites over the last twelve month period that could have received surgical recovery services within the model if it had been available.

- b) Staffing--Review Criterion

The applicant must document that the postsurgical recovery care center will be a separate and distinct (physically separate and identifiable) facility and have a dedicated nursing staff (i.e., that staff members working a shift are assigned only to cover the model), a medical director and 24 hour seven days a week on call physician coverage by a physician licensed to practice medicine in all of its branches. The on-call physician must be able to be physically present at the model within 15 minutes upon request. Documentation shall consist of: physical layout of the center (i.e., design drawings), identification of the number and type of staff positions dedicated to the model, identification of the facility medical director including a

signed commitment to the facility by that person stating a willingness to hold such a position and evidence that the required physician coverage will be accomplished.

- c) Patient Mix--Review Criterion

The applicant must document that the postsurgical recovery care center is capable of providing recovery care to patients receiving a wide variety of surgical procedures. For the purposes of this rule the following specialties (listing not inclusive of all surgical procedures that can recover in the model) shall be recognized: general surgery; eyes-ears-nose and throat; orthopedic; plastic surgery; ophthalmology; urology; obstetric-gynecology; and gastro-enterology. The applicant must document that anticipated referrals would result in admissions coming from at least three of these surgical specialties and that each of the three specialty groups represents a minimum of 10% of facility admissions totaling at least 30%. Documentation shall consist of a detailed listing of the types of surgical procedures which will be performed for which recovery care will be provided and the protocols as to how recovery care will be given to each type of surgical patient with details concerning how patient safety will be assured.

- d) Travel Time--Review Criterion

The applicant must document that the model will be located no farther than 30 minutes travel time by medical transport from all surgical referral sites. Documentation shall consist of identification of all surgical referral sites and the time travel distance to the recovery care center. The applicant must also document who will have the responsibility for the transfer of patients from the surgical site to the postsurgical recovery care center and provide all transfer protocols which must demonstrate the safe transfer of the surgical patients to the postsurgical recovery care center from each surgical referral site.

- e) On Site Emergency Care--Review Criterion

The applicant must document that the postsurgical recovery care center will have the capability to provide on-site emergency services sufficient to stabilize a patient for transfer to an acute care facility. Documentation shall consist of all protocols established for the treatment of emergency patients and the requirements established by the model for the education of staff in emergency procedures. Each postsurgical recovery care center must document that a crash cart is available on site and that staff trained in cardiac defibrillation are available at all times.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 19 Ill. Reg. 2991, effective MAR 01 1995)

Section 1110.2640 Postsurgical Recovery Care Center Alternative Health Care Model-State Board Review

a) State Board Evaluation. The State Board shall evaluate each application for the postsurgical recovery care center alternative health care model category of service (refer to 77 Ill. Adm. Code 1100.750(c) for development restrictions) based upon compliance with the conditions set forth in subsection (b) below.

b) State Board Prioritization
1) An application for the category of service must meet the development restrictions specified in 77 Ill. Adm. Code 1100.750(c).

2) All applications for each planning area shall be rank ordered based on points awarded as follows:

- A) Compliance with all applicable review criteria of Subpart C of this Part (General Review Criteria)--10 Points.
B) Compliance with all review criteria of Section 1110.2630 (Postsurgical Recovery Care Center Alternative Health Care Model Review Standards)--10 Points.
C) Compliance with all applicable review criteria of 77 Ill. Adm. Code 1120 (Financial Review Criteria)--10 Points.
D) Location in a medically underserved area (as defined by the Department of Health and Human Services (Section 332 of the Public Health Service Act) as a health professional shortage area)--3 Points.
E) To insure that the model evaluates a wide range of surgical cases an applicant shall be awarded an additional point for each designated surgical speciality area beyond the required three areas from which patients are referred to the postsurgical recovery care center (refer to Section 1110.2630 (c) for surgical specialities).
F) Historical Medicare and Medicaid surgical revenue at the surgical referral sites. Ten to twenty-five percent---3 Points, twenty-six to fifty percent---6 Points and over fifty percent---9 Points
G) Accreditation of the applicant facility or facilities by JCAHO or AAHC.---3 Points.
3) A postsurgical recovery care center alternative health care model must obtain a minimum of 30 points to be considered for approval. Competing applications within a planning area which have obtained the points necessary for permit consideration shall be evaluated by the State Board to determine which application best implements the goals of the Health Facilities Planning Act and the Alternative Health Care Delivery Act.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 19 Ill. Reg. 2991, effective MAR 01 1995)

Section 1110.2650 Postsurgical Recovery Care Center Alternative Health Care Model-Project Completion

a) Since the purpose for establishment of this category of service is to evaluate the alternative delivery model for effectiveness, such projects are not complete until such time as the model is evaluated and the decision made to adopt or not adopt the model as an ongoing licensed level of service separate from an alternative delivery model. A discontinuation permit will not be required of a facility holding a postsurgical recovery care center alternative health care model permit if the facility elects to discontinue the model. The postsurgical recovery care center alternative health care model project shall be considered complete as of the date the Agency receives notice of the discontinuation. If a need for an additional model exists applications shall be approved in accordance with Section 1110.2640. Any alteration, discontinuation or abandonment to the approved category of service during the life of the permit is subject to State Board review.

b) All assurances and charges for service presented in the application shall be in effect for the life of the permit unless altered pursuant to the approval of the State Board. Charges may be annually adjusted for inflation not to exceed the growth in the health care component of the Consumer Price Index.

c) A postsurgical recovery care center alternative health care model shall have a period of eighteen months from the date of permit issuance to become operational. Failure to begin operation in this time period shall result in the permit becoming null and void.

(Source: Added at 19 Ill. Reg. 2991, effective MAR 01 1995)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Motor Fuel Tax Law

2) Code Citation: 86 Ill. Adm. Code 500

3) Section Numbers: Adopted Action:

- 500.100 New Section
- 500.101 Repealed
- 500.102 Repealed
- 500.200 Amended
- 500.201 New Section
- 500.202 Amended
- 500.203 Amended
- 500.204 Amended
- 500.205 Amended
- 500.210 New Section
- 500.215 New Section
- 500.220 Repealed
- 500.225 Repealed
- 500.230 Amended
- 500.235 Amended
- 500.250 Repealed
- 500.260 Amended
- 500.265 Amended
- 500.270 Amended
- 500.275 Amended
- 500.280 Amended
- 500.285 Amended
- 500.290 Repealed
- 500.295 Repealed
- 500.300 New Section
- 500.301 Repealed
- 500.302 Repealed
- 500.305 New Section
- 500.310 New Section
- 500.315 New Section
- 500.320 New Section
- 500.325 New Section
- 500.330 New Section
- 500.335 New Section
- 500.340 New Section
- 500.345 New Section
- 500.350 New Section
- 500.355 New Section
- 500.360 New Section
- 500.400 Amended
- 500.405 New Section
- 500.500 Amended

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 500.501 Repealed
- 500.505 Amended
- 500.600 Amended

4) Statutory Authority: Motor Fuel Tax Law, 35 ILCS 505/1 et seq.

5) Effective Date of Rulemaking: February 28, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 28, 1995

9) Notice of Proposal Published in Illinois Register:

9/30/94, 18 Ill. Reg. 14634

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

1. In Line 20, changed the word "by" to lower case.
2. Corrected the ILCS citations throughout text.
3. In Line 167, changed "adventure" to "venture".
4. In Line 188, the word "vehicle" was changed to lower case for consistency.
5. In Line 308, changed the colon to a semicolon.
6. In Line 329, "state" is lower case.
7. In Line 427, hyphen removed for consistency within subsection.
8. In Line 525, added comma, omitted "and".
9. In Line 533, the word "invoice" was changed to "invoiced".
10. In Line 555, the word "invoice" was changed to "invoiced".
11. In Line 696, changed comma to semicolon for consistency.
12. In Lines 750 and 751, fixed punctuation.
13. In Line 778, fixed punctuation.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

14. In Line 913, capped the word "Section".
15. In Lines 916 and 952, capped the word "Section".
16. In Line 1125, changed the word "interstate" to lower case for consistency.
17. In Line 1572, first semicolon omitted.
18. In Line 1694, subsection punctuation was changed.
19. In Line 1785, added "(g)".
20. In Line 1848, changed the word "interstate" to lower case for consistency.
21. In Line 2053, the comma was changed to a semicolon.
22. In Line 2101, underlined the parens.
23. In Line 103, added "(Section 1.15 of the Act)" at the end.
24. In Line 110, added "(Section 1.6 of the Act)" at the end.
25. In Line 118, added "(Section 1.5 of the Act)" at the end.
26. In Line 129, added "(Section 1.16 of the Act)" at the end.
27. In Line 133, added "(Section 2(b) of the Act)" at the end.
28. In Line 141, added "(Section 1.2 of the Act)" at the end.
29. In Line 143, added "(Section 1.19 of the Act)" at the end.
30. In Line 153, deleted the comma.
31. In Line 164, added "(Section 1.1 of the Act)" at the end.
32. In Line 177, added "(Section 1.11 of the Act)" at the end.
33. In Line 184, added "(Section 1.20 of the Act)" at the end.
34. In Lines 185-187, removed italics.
35. In Line 200, added "(Section 1.13 of the Act)" at the end.
36. In Line 205, added "(Section 1.14 of the Act)" at the end.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

37. In Line 308, struck the comma.
38. At the end of Line 329, added "(Sections 3, 3a, 3b and 3c of the Act)".
39. In Line 334, changed "act" to "Act"; added "[20 ILCS 2505/39b47]" at the end of line.
40. In Line 471, deleted the second comma.
41. In Line 585, added a comma after "of".
42. In Line 751, changed "505" to "505/15.1".
43. In Line 777, changed "5 ILCS 100" to "735 ILCS 5/Art. III".
44. In Line 916, deleted "[35 ILCS 505]".
45. In Line 918, deleted the comma.
46. In Line 924, added a period after the word "Act".
47. In Line 925, deleted the period and replaced "505" with "505/15.1".
48. In Line 951, deleted the period.
49. In Line 1141, changed "intra-state" to "intrastate".
50. In Line 1144, added a comma after "Illinois".
51. In Line 1335, added a comma after "that".
52. In Line 1344, changed "act" to "Act".
53. In Lines 1437, 1451 and 1459, changed "Agreement" to "Part".
54. In Line 1687, deleted "4" and moved one indent level to the left.
55. In Lines 1868 and 1947, changed "of" to "after".
56. In Lines 1887 and 1894, replaced the parentheses with brackets.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking:

This rulemaking is entered into for the primary purpose of implementing the provisions of the International Fuel Tax Agreement (IFTA). Illinois became a member of this Agreement in January, 1994. Membership in this Agreement is mandated by the Federal government under the provisions of the Surface Transportation Reauthorization Bill, signed into law December 18, 1991. IFTA affects the payment and reporting of motor fuel use taxes. It is designed to simplify fuel use tax reporting and payment by consolidating all reporting and payment obligations in a base state. Carriers subject to regulation in the base state make all reporting and payment to that state, which then distributes the taxes to other states. These changes implement the current provisions of the International Fuel Tax Agreement. New provisions include regulations pertaining to licensure, quarterly payment and reporting, credits and refunds, records requirements, revocation, protest procedures and audits under the Motor Fuel Use Tax programs administered by the Department. Changes have also been made in the rulemaking to reflect recent legislative changes to the Motor Fuel Tax Law (for example, several definitions in Subpart A were amended in response to Public Act 87-879 and 87-149; the provisions of the Uniform Penalty and Interest Act have affected several provisions of the Motor Fuel Tax Law; Public Act 87-879 changed the circumstances under which tax-free sales can be made by distributors and suppliers; the tax upon receivers imposed under Section 2a of the Motor Fuel Tax Law was extended until 1998 by Public Act 87-251; and Public Act 88-194 requires that certain licensees make returns accompanied by magnetic media support schedule data).

16) Information and questions regarding these adopted amendments shall be directed to:

Jerilynn Gorden
Associate Counsel
Illinois Department of Revenue
Office of General Counsel
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7054

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 500

MOTOR FUEL TAX

SUBPART A: DEFINITIONS

Section
500.100
500.101
500.102

Definitions
Definition of Receiver (Repealed)
Definition of Loss (Repealed)

SUBPART B: MOTOR FUEL TAX

Section
500.200
500.201
500.202
500.203
500.204
500.205
500.210
500.215
500.220
500.225
500.230

Basis and Rate of the Motor Fuel Tax
Licensure
Basis and Rate of Tax Payable by Receivers
Monthly Returns
Report of Loss of Motor Fuel
Daily Gallonage Record
Documentation of Tax-Free Sales of Motor Fuel Made by Licensed Distributors and Suppliers
Documentation of Tax-Free Sales of Fuel Made by Licensed Receivers
Vehicles of Distributors Transporting Petroleum Products (Repealed)
Other Vehicles (Repealed)
Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers
Claims for Refund - Original Invoices
Sales of Special Fuel - Variation in Usage
Estimated Claims Not Acceptable
Claimants Owning Motor Vehicles (Repealed)
Detailed Answers
Revocation of License, Etc. - Notice - Hearing
Distributors' and Suppliers' Claims for Credit
Receivers' Claims for Credit
Procedure when When Tax-Paid Motor Fuel is Returned to Licensee for Credit
Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
Sales of Motor Fuel to Certain Privately-Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required (Repealed)
Cost of Collection - Determination (Repealed)

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: MOTOR FUEL USE TAX

Section	
500.300	Licensure
500.301	Special Motor Fuel Permits and Decals (Repealed)
500.302	Motor Carrier's Quarterly Report (Repealed)
500.305	Licenses and Decals
500.310	Display of License and Decals
500.315	Renewal of Decals and Licenses
500.320	Single Trip Permits
500.325	Licensure of Lessors and Lessees
500.330	Cancellation of License
500.335	Quarterly Payment and Reporting
500.340	Credits and Refunds
500.345	Records Requirements
500.350	Revocation
500.355	Protest Procedures
500.360	Audits

December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 25, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at 8 Ill. Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendments at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days; emergency expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990; amended at 15 Ill. Reg. 6305, effective April 16, 1991; amended at 15 Ill. Reg. 13538, effective August 30, 1991; recodified at 18 Ill. Reg. 4451; amended at 19 Ill. Reg. 3003, effective FEB 28 1995.

SUBPART A: DEFINITIONS

Section 500.100 Definitions

For purposes of this Part, the following definitions apply:

"Base Jurisdiction" means the jurisdiction where commercial motor vehicles are based for vehicle registration purposes and

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section	
500.400	Timely Mailing--Treated--as--Timely Filing and Paying--Meaning of--Due Date--Which Falls on Saturday--Sunday or a Holiday General Information
500.405	Due Date That Falls on Saturday, Sunday or a Holiday

Where the operational control and operational records of the licensee's commercial motor vehicles are maintained or can be made available; and

Where some travel is accrued by commercial motor vehicles within the fleet.

"Bulk User" means any person, other than a licensed distributor or licensed supplier, who owns, operates, or controls special fuel bulk storage facilities into which any special fuel is delivered by the seller without the motor fuel tax being paid, and owns, operates or controls licensed highway vehicles which are powered by special fuel. (Section 1.15 of the Act)

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED UNDER THE MOTOR FUEL TAX LAW

Section	
500.500	Licenses and Permits Are Not Transferable
500.501	Blenders' Permits Are Not Transferable (Repealed)
500.505	Changes of Corporate Officers

"Blender" means any person who engages in the practice of blending. (Section 1.6 of the Act)

"Blending" means the mixing together by any process whatsoever, of any one or more products with other products, and regardless of the original character of the products so blended, provided the resultant product so obtained is suitable or practicable for use as a motor fuel, except such blending as may occur in the process known as refining by the original refiner of crude petroleum, and except, also, the blending of products known as lubricating oil in the production of lubricating oils and greases. (Section 1.5 of the Act)

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

Section	
500.600	Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law [35 ILCS 505] and authorized by Section 39b2 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b2].

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective

"Commercial Motor Vehicle" means a motor vehicle used, designed, or maintained for the transportation of persons or property and either having 2 axles and a gross vehicle weight or registered gross vehicle

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

"weight exceeding 26,000 pounds or 11,793 kilograms, or having 3 or more axles regardless of weight, or that is used in combination, when the weight of the combination exceeds 26,000 pounds or 11,793 kilograms gross vehicle weight. This term does not include motor vehicles operated by the State of Illinois or the United States, recreational vehicles, school buses and commercial motor vehicles operated solely within Illinois for which all motor fuel is purchased within this State. (Section 1.16 of the Act)

"diesel fuel" means any petroleum product intended for use or offered for sale as a fuel for engines in which the fuel is injected into the combustion chamber and ignited by pressure without electric spark. (Section 2(b) of the Act)

"Distributor" means a person who either produces, refines, blends, compounds or manufactures motor fuel in this State, or transports motor fuel into this State or receives motor fuel transported to him from without the State, or who is engaged in this State in the distribution of motor fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he has active bulk storage capacity of not less than 30,000 gallons for gasoline as defined in Section 5(A) of the Law. (Section 1.2 of the Act)

"Fuel" means all liquids defined as "Motor Fuel" and aviation fuels and kerosene, but excluding liquified petroleum gases. (Section 1.19 of the Act)

"International Fuel Tax Agreement" ("IFTA") means the Multijurisdictional International Fuel Tax Agreement ratified by Congress, the provisions of which were imposed upon States pursuant to Public Law 102-240, which mandates that no State shall establish, maintain or enforce any law or regulation which has fuel use tax reporting requirements not in conformity with the International Fuel Tax Agreement.

"Jurisdiction" is a state of the United States, the District of Columbia, or a province or Territory of Canada.

"Law" means the Motor Fuel Tax Law [35 ILCS 505].

"Leasing" means the giving of possession and control of a vehicle for valuable consideration for a specified period of time.

"Loss" means, for purposes related to claims for refund, the reduction of motor fuel resulting from spillage, spoilage, leakage, theft, destruction by fire or any other provable cause, but does not include loss resulting from evaporation and temperature changes.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

"Motor fuel" means all volatile and inflammable liquids produced, blended or compounded for the purpose of, or which are suitable or practicable for, the propulsion of motor vehicles. Among other things, "motor fuel" includes "special fuel." (Section 1.1 of the Act)

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, or any city, town, county or other political subdivision in this State. When used in these rules to prescribe or impose a fine or imprisonment or both, the term as applied to partnerships and associations shall mean the partners or members thereof; as applied to limited liability companies, the term means managers, members, agents or employees of the limited liability company; and as applied to corporations, the term shall mean the officers, agents, or employees thereof who are responsible for any violation of the Act. (Section 1.11 of the Act)

"Receiver" means a person who either produces, refines, blends, compounds or manufactures fuel in this State, or transports fuel into this State or receives fuel transported to him from without the State or exports fuel out of this State, or who is engaged in the distribution of fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he has active fuel bulk storage capacity of not less than 30,000 gallons. (Section 1.20 of the Act)

"Records" means all data maintained by the taxpayer, including data on paper, microfilm, microfiche or any type of machine-sensible data compilation.

"Recreational vehicle" means vehicles, such as motor homes, pickup trucks with attached campers, camping or travel trailers, van or truck campers, mini motor homes, or buses, used exclusively for personal pleasure by an individual. In order to qualify as a recreational vehicle, the vehicle shall not be used in connection with any business endeavor.

"Revocation" means the withdrawal of license and privileges.

"Special fuel" means all volatile and inflammable liquids capable of being used for the generation of power in an internal combustion engine except that it does not include gasoline as defined in Section 5(A) of the Law, or combustible gases as defined in Section 5(B) of the Law. "Special fuel" includes "diesel fuel." (Section 1.13 of the Act)

"Supplier" means any person other than a licensed distributor who

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

transports special fuel into this State or receives special fuel transported to him from outside the State, and a person engaged in Illinois in the distribution of special fuel primarily by tank car or tank truck, or both. (Section 1.14 of the Act)

"Total distance" for purposes of the motor fuel use tax means all miles traveled during the reporting period by every commercial motor vehicle in the licensee's fleet, regardless of whether the miles are considered taxable or nontaxable by a jurisdiction.

"Weight" for purposes of the motor fuel use tax means the maximum weight of the loaded vehicle or combination of vehicles during the registration period.

(Source: Added at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.101 Definition of Receiver (Repealed)

As used in this party "receiver" means a person who either produces, refines, blends, compounds or manufactures fuel in this State or transports fuel into this State or receives fuel transported to him from without the State or exports fuel out of this State, or who is engaged in distribution of fuel primarily by tank car or tank truck or both, and who operates an Illinois bulk plant where he has active fuel bulk storage capacity of not less than 30,000 gallons. (Section 1-20 of the Motor Fuel Tax Law (baw) Ill. Rev. Stat. 1989, Ch. 1207 par. 417 et seq.)

(Source: Repealed at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.102 Definition of Loss (Repealed)

a) Section 13 of the Motor Fuel Tax Law provides that any person other than a distributor or supplier who loses motor fuel through any cause or uses motor fuel (upon which he has paid the amount required to be collected under this Act) for any purpose other than operating a motor vehicle upon the public highways or waters shall be reimbursed and repaid the amount so paid. The Department defines loss of motor fuel in relation to claims for refund to mean loss resulting from spillage, leakage, theft, destruction by fire or any other provable cause but shall not be construed to include loss resulting from evaporation and temperature changes.

(Source: Repealed at 19 Ill. Reg. 3008, effective FEB 28 1995)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: MOTOR FUEL TAX

Section 500.200 Basis and Rate of the Motor Fuel Tax

a) The Motor Fuel Tax is imposed "on the privilege of operating motor vehicles upon the public highways, including toll roads, and recreational-type watercraft upon the waters of this State".
1) Motor fuel used in such motor vehicles upon public highways and in such recreational watercraft on such waters is taxed according to the following rate schedule:

Tax Period	Rate
Until August 1, 1983	7 1/2¢ per gallon
From August 1, 1983 through June 30, 1984	11¢ per gallon
From July 1, 1984 through June 30, 1985	12¢ per gallon
From July 1, 1985 through July 31, 1989	13¢ per gallon
From August 1, 1989 through December 31, 1989	16¢ per gallon
From January 1, 1990, and thereafter	19¢ per gallon

2) The tax on the privilege of operating motor vehicles which use diesel fuel shall be the rate according to subsection (a) plus an additional 2-1/2 cents per gallon. This rate is as follows:
Diesel fuel used in such motor vehicles upon public highways and in such recreational watercraft on such waters is taxed according to the following rate schedule:

Tax Period	Rate
Until August 1, 1983	7 1/2¢ per gallon
From August 1, 1983 through June 30, 1984	13 1/2¢ per gallon
From July 1, 1984 through June 30, 1985	14 1/2¢ per gallon
From July 1, 1985 through July 31, 1989	15 1/2¢ per gallon
From August 1, 1989 through December 31, 1989	18 1/2¢ per gallon
From January 1, 1990 and thereafter	21 1/2¢ per gallon

b) In addition a tax is imposed upon the privilege of engaging in the business of selling motor fuel as a retailer or reseller on all motor fuel used in motor vehicles operating on the public highways and recreational-type watercraft operating upon the waters of this State:
1) At the rate of 3 cents per gallon on motor fuel owned or possessed by such retailer or reseller at 12-01-A.M. on August 1, 1989, and
2) At the rate of 3 cents per gallon on motor fuel owned or possessed by such retailer or reseller at 12-01-A.M. on January 1, 1990.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 3) Every retailer and reseller subject to this additional tax shall inventory the motor fuel which he/she/it owns or possesses at 12:01 A.M. on August 17, 1989. Based on that inventory every retailer and reseller subject to this additional tax shall file a return on a form prescribed by the Department on or before August 20, 1989 and pay the tax due.
- 4) Every retailer and reseller subject to this additional tax shall inventory the motor fuel which he/she/it owns or possesses at 12:01 A.M. on January 17, 1990. Based on that inventory every retailer and reseller subject to this additional tax shall file a return on a form prescribed by the Department on or before January 20, 1990 and pay the tax due.
- b) The Special Motor Fuel Use Tax is imposed "upon the use of special motor fuel upon highways (including toll ways of this State) by commercial motor vehicles". The tax on such special motor fuel shall be comprised of two parts:
 - 1) A tax at the rate established in subsections (a)(1) and (a)(2) above; and
 - 2) A rate "established by the Department". (Motor Fuel Tax Law - Ill. Rev. Stat. - 1989 - ch. 120, pars. 418 and 429a [35 ILCS 505]).

(Source: Amended at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.201 Licensure

- a) No person shall act as a distributor, supplier, receiver or bulk user in Illinois without first applying for and obtaining a license from the Department. The application shall be signed and verified by the applicant, and shall contain information required by the Department. In the case of corporate applicants, the application shall be signed by a corporate officer or officers. An applicant shall also file with the Department a bond on a form to be approved by and with a surety or sureties satisfactory to the Department.
- b) A license shall not be granted, nor shall any license be maintained, for any supplier or distributor whose principal place of business is in a state other than Illinois, unless such person is licensed for motor fuel distribution in the state in which the principal place of business is located and such person is not in default to that state for any monies due for the sale, distribution, or use of motor fuel. (Sections 3, 3a, 3b and 3c of the Act)
- c) A license shall not be issued to any person who fails to file a return, or to pay any final assessment of tax, penalty or interest, as required by the Law, or as required by any other tax Act administered by the Department. [20 ILCS 2505/39b47]

(Source: Added at 19 Ill. Reg. 3008, effective

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

FEB 28 1995

Section 500.202 Basis and Rate of Tax Payable by Receivers

- a) Except as hereinafter provided, on and after January 1, 1990 and prior to January 1, 1993 1998, a tax of three-tenths of a cent per gallon is imposed upon the privilege of being a receiver in this State of fuel for sale or use.
- b) The tax shall be paid by the receiver in this State who first sells or uses fuel. In the case of a sale, the tax shall be stated as a separate item on the invoice.
- c) For the purpose of the tax imposed by this Section, being a receiver of "motor fuel" as defined by Section 1.1 of the Act, and aviation fuels, home heating oil and kerosene, but excluding liquified petroleum gases, is subject to tax without regard to whether the fuel is intended to be used for operation of motor vehicles on the public highways and waters. However, no such tax shall be imposed upon the importation or receipt of aviation fuels and kerosene at airports with over 300,000 operations per year, located in a city of more than 1,000,000 inhabitants for sale to or use by holders of Certificates of Public Convenience and Necessity, issued by the United States Department of Transportation, and their air carrier affiliates, or upon the importation or receipt of aviation fuels and kerosene at facilities owned or leased by those certificate holders and used in their activities at an airport described above. In addition, no such tax shall be imposed upon the importation or receipt of diesel fuel by a rail carrier, registered pursuant to Section 18c-7201 of the Illinois Vehicle Code and used directly in railroad operations. In addition, no such tax shall be imposed when the sale is made to a person holding a valid license as a receiver. A specific notation thereof shall be made on the invoices or sales slips covering each sale. (Section 2a of the Law)

(Source: Amended at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.203 Monthly Returns

- a) Distributor, supplier and receiver monthly returns. Monthly Motor Fuel Tax returns of licensed distributors and suppliers must be compiled correctly on forms furnished by the Department and must be filed, accompanied by a remittance for the correct amount of tax due, by the 20th day of the month following the month for which the return is made. Schedule AA-Receipt schedules showing monthly receipts of motor fuel must always accompany the monthly return, as well as all other applicable schedules. Receivers subject to the tax imposed by Section 2a of the Law must file returns by the 20th of each calendar

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

month for fuel purchased, acquired or received and sold, distributed or used during the preceding calendar month. Invoiced gallons must be reported on Schedule AW. If a distributor's only activities with respect to motor fuel are either:

- 1) production of alcohol in quantities of less than 10,000 proof gallons per year or
- 2) blending alcohol in quantities of less than 10,000 proof gallons per year which such distributor has produced.

He shall file returns on an annual basis with the return for a given year being due by January 20 of the following year. Where the distributor has not established one calendar year's record of production, annual production will be projected on the basis of actual production and estimates submitted by the distributor. (Section 5-5 of the Law)

b) If a distributor's only activities with respect to motor fuel are either:

- 1) production of alcohol in quantities of less than 10,000 proof gallons per year or
- 2) blending alcohol in quantities of less than 10,000 proof gallons per year which such distributor has produced.

He shall file returns on an annual basis with the return for a given year being due by January 20 of the following year. Where the distributor has not established one calendar year's record of production, annual production will be projected on the basis of actual production and estimates submitted by the distributor. (Section 5 of the Law)

c) Bulk User Annual Return. Persons holding a valid license to act as a bulk user of special fuel shall make an annual return to the Department on forms prescribed by the Department. The return shall itemize the number of invoiced gallons of special fuel purchased, acquired or received during the preceding calendar year. The return shall be due on the 15th day of the fourth month following the end of the calendar year.

d) Magnetic Schedule Support Data. Beginning October 1, 1994, data required by all support schedules for licensed distributors, suppliers, and receivers who are required to file a return must be filed using magnetic media. Schedule support data must be submitted on either 3-1/2" diskette, 5-1/4" floppy disk, or 9" magnetic tape which is IBM or IBM compatible. Schedules that must be filed on magnetic media include Schedules A, SA, LA, E, SE, LE, GA, B, SB, LB, C, SC, LC, D, SD, and LD. Schedules not required to be filed in this manner are Schedules F, M and J. Amended schedules must still be filed on Department forms or approved computer-generated forms. The only exceptions to this requirement are persons who do not possess a computer, who have computers which are not IBM or IBM compatible, or who have ten business transactions or less per month, per schedule type. Persons seeking an exemption from these requirements must petition the Department's Motor Fuel Division in writing, explaining

the basis for their exemption. All exceptions expire one year from the date they are granted.

e) When returns are timely filed and paid in full, a supplier, distributor or receiver may take a discount of 2% of the tax collected to reimburse himself for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request. This discount is not permitted for motor fuels which are used or consumed by a supplier or distributor in his own vehicles or for any other purpose.

f) A person whose license to act as a supplier, distributor, receiver or bulk user of motor fuel has been revoked or cancelled shall make a return and payment to the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license. Any tax-free inventory remaining at the close of the reporting period must be paid in full. b) licensees, in fitting out monthly distributors returns (Form R-M-F-57) are required to show as separate items the actual number of taxable gallons sold to consumers and resellers and the actual number of taxable gallons used in their own motor vehicles and for any other purpose whatsoever. On a schedule provided for that purpose, taxable gallons sold to other licensed distributors must be listed in detail.

e) Licensed suppliers of special fuel must also file monthly returns with the Department on the form prescribed by the Department by the 20th day of the month following the month for which the return is filed and any such return must be accompanied by a remittance for the proper amount of tax shown by the return to be due. In addition, licensed bulk users of special fuel must file an annual return with the Department on the form prescribed by the Department by the 15th day of the fourth month following the end of the calendar year. (Section 5b of the Law)

d) In addition to the tax collection and reporting responsibilities imposed elsewhere, a person who is required to pay the tax imposed by Section 2a of the Act shall pay the tax to the Department by return showing all fuel purchased, acquired or received and sold, distributed or used during the preceding calendar month. The return shall be prepared by the Department and shall be filed between the 1st and 20th days of each calendar month. The Department may in its discretion combine the returns filed under this Section. (Section 2b of the Law)

(Source: Amended 19 Ill. Reg. 3008, effective February 8 1995)

Section 500.204 Report of Loss of Motor Fuel

a) All licensed suppliers and distributors are required to report

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

immediately all losses of motor fuel sustained by them on account of fire, theft, spillage, spoilage, leakage or any other provable cause in order that the Department may make such investigation as it may deem necessary. ~~The same requirement applies to special-fuel-bulk users who have elected to be licensed as suppliers of special-fuel.~~

(Source: Amended at 19 Ill. Reg. 8008, effective FEB 28 1995)

Section 500.205 Daily Gallonage Record

Distributors, of motor-fuel receivers, bulk users of--fuel--bulk-users--of special-fuel--licensed-as--bulk-users--and--special-fuel-bulk-users-who-have elected-to-be-licensed-as-suppliers-of-special-fuel and suppliers are expected to maintain an accurate, actual, daily record of gallonage in storage facilities bulk-and-supply-tanks. Carelessness in not keeping such records is frequently the means of building false inventories. The burden is also upon the distributor, bulk-user-of-special-fuel-licensed-as-a-bulk-user, or special-fuel-bulk-user-who-has-elected-to-be-licensed-as-a-supplier-of-special-fuel supplier, bulk user or receiver to see to it that the valves on bulk plants function properly. This will have a tendency to eliminate substantial losses under various climatic conditions.

(Source: Amended at 19 Ill. Reg. 8003, effective FEB 2 1995)

Section 500.210 Documentation of Tax-free Sales of Motor Fuel Made by Licensed Distributors and Suppliers

a) Sales of motor fuel made to licensed distributors, suppliers or bulk users holding a valid tax-free permit. A specific notation of the nature of the exemption must be made on the invoice for these sales. Also, the seller must retain the invoice number and date, name of carrier, bill of lading/manifest number, name and address of purchaser, Illinois origin, Illinois destination, purchaser's license number, and invoiced gallons sold. In addition, when special fuel is sold under this exemption, the seller must obtain from the purchaser a completed IDR-648 form.

b) Sales of motor fuel delivered to points outside Illinois. The seller must retain the invoice date and number, name of carrier, bill of lading/manifest number, purchaser's name and address, Illinois origin, destination location, and invoiced gallons.

c) Sales of motor fuel to the Federal government or its

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

instrumentalities. The seller shall retain the invoice number and date, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, Illinois destination, invoiced gallons, and official forms of exemption certificates furnished by the Federal government.

d) Sales of motor fuel to a municipal corporation owning and operating a local transportation system for public service in Illinois. The seller shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name and address of purchaser, Illinois origin, Illinois destination and invoiced gallons. In addition, the seller shall include with his return a Certificate of Exemption, in the form required by Section 500.280 of this Part, for each such sale.

e) Sales of motor fuel to a privately owned public utility owning and operating 2-axle vehicles designed and used for transporting more than 7 passengers, for the operation of vehicles which are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or any group of municipalities or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission. The seller shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name and address of purchaser, Illinois origin, Illinois destination and invoiced gallons. In addition, the seller shall include with his return a Certificate of Exemption, in the form required by Section 500.285 of this Part, for each such sale.

f) Sales of gasoline for aviation purposes. A Seller shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, Illinois destination, and invoiced gallons. He must also include a "Certificate of Gas Sold For Propulsion of Aircraft" with his return to document this type of exemption.

g) Sales to qualified users. Documentation for sales to qualified users falls into two categories, which are described below:

1) Sales of special fuel to persons using the fuel exclusively for non-highway purposes, who do not own, lease or control any tax-free bulk storage facilities or who do not own, operate or control any diesel-powered licensed highway equipment. Sellers making these types of exempt sales must make a notation on the invoice or sales slip regarding the exempt nature of the sale, and must retain the purchaser's name and address, the use for which the fuel is sold, and the total monthly gallons. In addition, the seller must retain a valid IDR-648 for each customer.

2) Sales of special fuel to persons who have no licensed diesel highway equipment but who do have self-propelled highway construction or maintenance equipment which will be used in a

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

dual capacity for both improving, maintaining or repairing highways and propelling the equipment on road to job sites. Sellers may accept a percentage certificate from the purchaser specifying the amount of special fuel that may be purchased tax-free. Sellers must retain the purchaser's name and address, the percentage exemption and reason for partial exemption, and total monthly gallons. In addition, the seller must retain a valid IDR-648 for each customer.

h) Sales of l-K kerosene delivered into a storage tank located at a facility that has withdrawal facilities which are readily accessible to, and are capable of dispensing l-K kerosene into the fuel supply tanks of, motor vehicles are normally taxable. However, such sales may be made tax-free when the seller obtains supporting documentation affirming that the l-K kerosene will not be sold or used in highway vehicles. The seller must obtain a valid IDR-648 for each customer for these exempt sales.

i) The IDR-648, which is used to document exempt sales of special fuel and which is required to be retained by the seller, must be renewed at least every three years. An IDR-648 shall remain valid for 3 years or until the purchaser's license is revoked or cancelled. A customer may also revoke the IDR-648 by advising both the seller and the Department in writing.

(Source: Added at 19 Ill. Reg. 3003, effective FEB 28 1995)

Section 500.215 Documentation of Tax-free Sales of Fuel Made by Licensed Receivers

a) Exemption for importation of aviation fuels and kerosene at qualified airports or by facilities owned or leased by qualified holders of Certificates of Public Convenience and Necessity (see Section 500.202 for a description of such persons). The seller shall make a specific notation on the invoice regarding the nature of the exemption. In addition, he shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, Illinois destination and invoiced gallons.

b) Exemption for importation of diesel fuel by qualified rail carriers (see Section 500.202 for a description of such persons). The seller shall make a specific notation on the invoice regarding the nature of the exemption. In addition, he shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, Illinois destination and invoiced gallons. A specific notation regarding the nature of the exemption shall be made on the invoice.

c) Receivers making sales of fuel which are delivered to points outside of Illinois. A specific notation regarding the nature of

the exemption shall be made on the invoice. In addition, the seller shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, destination and invoiced gallons.

d) Sales of fuel made to other licensed receivers in Illinois. A specific notation shall be made on the invoice regarding the nature of the exemption. In addition, the seller shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, Illinois destination, purchaser's license number and invoiced gallons.

(Source: Added at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.220 Vehicles of Distributors Transporting Petroleum Products (Repealed)

Licensed distributors of motor fuel transporting petroleum products in vehicles upon the public highways of this State must have painted upon such transporting vehicle in colors of distinct contrast to those of the vehicle with letters and figures not less than four inches in height, the following information:

a) Licensed name of distributor;

b) Address of distributor; and

c) Motor Fuel Distributor's License Number identified as "Ill-R-M-P-~~6~~-N-~~11~~-~~4~~".

(Source: Repealed at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.225 Other Vehicles (Repealed)

All persons other than licensed distributors transporting petroleum products in vehicles upon the public highways of this State must have painted upon such transporting vehicles in colors of distinct contrast to those of the vehicle with letters and figures not less than four inches in height, the name and address of the owner of such vehicle.

(Source: Repealed at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.230 Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers

a) Distributors are required to pay the tax on all motor fuel (of the type they are required by the second paragraph of Section 5 of the Motor Fuel Tax Law to report to the Department when filing a return) used or consumed by them, whether for taxable or nontaxable purposes. If the motor fuel is consumed for statutory nontaxable purposes, a

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

claim for refund credit may thereafter be filed as provided by the Motor Fuel Tax Law and on the form prescribed by the Department for that purpose.

- b) Suppliers are required to pay the tax on all special fuel used or consumed by them, whether for taxable or nontaxable purposes. If the special fuel is consumed for statutory nontaxable purposes, a claim for credit may thereafter be filed as provided by the Motor Fuel Tax Law and on the form prescribed by the Department for that purpose. ~~in motor-vehicles-on-the-public-highways-of-this-State.~~
- c) Receivers are required to pay tax on all fuel, as defined by Section 1.19 of the Motor Fuel Tax law, used or consumed by them.

(Source: Amended at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.235 Claims for Refund - Original Invoices

a) Claims for the refund of Motor Fuel Tax imposed by Section 2.02 of the Law, by persons other than a distributor or supplier, shall be made to the Department of Revenue, duly verified by the affidavit of the claimant, upon forms prescribed by the Department. Except as provided in par. (c) of this Section, the Department of Revenue will not approve claims for refund of Motor Fuel Tax unless such claims are supported by original invoices or sales slips (commonly referred to as the top copy). Reproductions may be submitted in lieu of originals, provided they are legible. However, the Department may require original invoices to verify purchases. Manifests or monthly statements will not be treated as invoices.

b) ~~in-no-case-with-any-carbon-copy-of-an-invoice-be-considered--an-original--all-Original~~ sales slips or invoices must contain the following information:

- 1) Date of delivery;
- 2) name and address of purchaser (which must be the name of the claimant);
- 3) name and address of seller (~~printed-or-rubber-stamped~~);
- 4) number of gallons purchased and price per gallon;
- 5) Illinois Motor Fuel Tax as separate item; and
- 6) receipt of payment. (Only paid invoices are acceptable in connection with claims for refund, ~~and-the-fact-of-payment-must appear-on-the-face-of-the-invoice-or-sales-slip.~~) Refunds will only be issued when payment of tax is exactly correlated to the invoice for which the claim is being filed.

c) Claimants must file invoices or sales slips in conjunction with claims based upon motor fuel used for a nontaxable purpose. In making a claim, claimants must show total purchases, deducting the gallonage used upon public highways or waters, the difference being the net amount upon which the claim is based. Only invoices directly supporting the nontaxable use are required to be submitted. However,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

claimants must retain among their books and records documentation of all purchases, payments, bulk storage withdrawals and proof of usage for a period equivalent to that during which an assessment can be issued under the law, from the date of issuance of the claim or refund. This information must be made available to Department employees upon request. Failure to keep such records may result in recovery of any claims paid.

(d) Where the claimant has lost his original invoice(s) through inadvertence or an act of God, the Department will permit the claimant to submit his affidavit in lieu of such invoice in support of the claim, if the affidavit contains the same information which the invoice was required to contain, plus a statement of facts explaining the loss of the invoice and justifying the substitution of an affidavit for the invoice.

(e) Claims for full reimbursement of tax paid on motor fuel must be filed not later than one year after the date on which the tax was paid by the claimant. If, however, a claim for such reimbursement otherwise meeting the requirements of the Act is filed more than one year but less than 2 years after that date, the claimant shall be reimbursed at the rate of 80% of the amount to which he would have been entitled if his claim had been timely filed.

(f) Claims accompanied by sales slips or invoices upon the face of which there is evidence of change of name, date or gallonage, or other evidence of fraud, or which are illegible, will be disallowed in their entirety.

(g) Any person who purchases motor fuel in Illinois and uses that motor fuel in another state and that other state imposes a tax on the use of such motor fuel shall be reimbursed and repaid the amount of Illinois tax paid on the motor fuel used in such other state. Reimbursement and repayment shall be made by the Department upon receipt of adequate proof of taxes paid to another state and the amount of motor fuel used in that state. Evidence supporting the claim must include both a copy of the tax return filed with such other state and a copy of the cancelled check or a receipt acknowledging payment of the tax due on said tax return.

(h) Claims for refunds for the motor fuel tax imposed by Section 2.02 of the Law approved by the Department shall be paid within 90 days after receipt of a complete and correct application for such a refund. If refunds are paid after the expiration of the 90 day period, the Department shall also pay from the Motor Fuel Tax Fund to the taxpayer a penalty of 1% of the amount of the refund for each month after the 90-day period interest at the rate and in the manner set by the Uniform Penalty and Interest Act (Ill. Rev. Stat. 1983-eh-1207--par-431+ [35 ILCS 505/15.1]).

(Source: Amended at 19 Ill. Reg. 3008, effective FEB 28 1995)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

amount of the credit memorandum must first be applied, in whole or in part, against an unpaid liability of the claimant-assignor, notice to this effect will be given the claimant-assignor by the Department. If any balance is due such claimant-assignor, after application of the credit memorandum in the manner and to the purposes aforesaid, such balance may be assigned upon receipt by the Department of instructions to that effect. If there is no unpaid liability and no proceedings pending to determine a liability as aforesaid, and if the assignee is a licensed distributor of motor fuel, the request for leave to assign will be approved. The original credit memorandum will be cancelled, and a new credit memorandum will be issued to the assignee in the amount shown on the cancelled memorandum. However, before a credit memorandum is issued to the assignee, the amount of such credit will be applied, to the extent that may be necessary, in liquidation of any unpaid Motor Fuel Tax liability of the assignee, and a credit memorandum for the balance, if any, will be issued to the assignee, provided that there is no proceeding pending against the assignee to establish an unpaid Motor Fuel Tax liability against him. If a proceeding to establish such an unpaid liability is pending, the credit memorandum will be held by the Department until such proceeding is concluded; and if such proceeding results in a determination that Motor Fuel Tax is due from the assignee, the credit will be applied by the Department, to the extent which may be necessary in liquidation of such liability, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of said liability), will be issued in the form of a new credit memorandum and delivered to the person entitled to receive delivery thereof.

- 2) **Submission of Credit Memoranda With Monthly Returns.** Credit memoranda, in the hands either of the original claimant or of his assignee, may be submitted to the Department, along with monthly tax returns, in payment of Motor Fuel Tax due from the holder of such credit memoranda. If, after applying any such credit memorandum against the amount of tax shown to be due by the tax return with which the credit memorandum is submitted, the Department finds that there is a balance of the credit memorandum in favor of the distributor or supplier submitting the credit memorandum, the Department will cancel the credit memorandum that has been submitted and will issue and deliver to such distributor or supplier a new credit memorandum for such balance. This process will be followed until the credit, to which such distributor or supplier is entitled, is exhausted. However, any new credit memorandum, which is issued as provided in this

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

paragraph for a balance of credit due the distributor or supplier after applying the amount of a credit memorandum to the payment of current taxes, is subject to the prior rights of the Department to the same extent that such prior rights take precedence when a credit memorandum is first issued (see paragraph (b) of this Section) or when leave to assign a credit memorandum is requested (see paragraph (c)(1) of this Section).

- d) Refunds to Distributors and Suppliers. If any distributor or supplier ceases to be licensed as a distributor or supplier while still holding an unused credit memorandum, such distributor or supplier may, at his election (instead of assigning the credit memorandum to another licensed distributor or supplier under the Act), surrender such unused credit memorandum to the Department and receive a refund in lieu thereof.
- e) Claims filed under this Section for overpayment of the Motor Fuel Tax imposed by Section 2 of the Law shall bear interest at the rate and in the manner specified in the Uniform Penalty and Interest Act. Claims made under this Section that are based upon motor fuel used for any purpose other than operating a motor vehicle upon the public highways or waters shall be paid within 90 days after receipt of a complete and correct application for credit. If credits based upon motor fuel used for any purpose other than operating a motor vehicle upon the public highways or waters are issued after expiration of the 90 day period, the Department shall include interest at the rate and in the manner set by the Uniform Penalty and Interest Act. [35 ILCS 505/15.1]

(Source: Amended at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.270 Receivers' Claims for Credit

Any receiver who has paid the tax imposed by Section 2a of the Motor Fuel Tax Law (either directly to the Department or to another licensed receiver) upon fuel exported or sold under the exemptions provided in Section 2a may file a claim for credit to recover the amount so paid. Such claims shall be made to the Department, duly verified by the affidavit of the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim shall state such facts relating to the purchase, importation, manufacture, production, export, or sale of the fuel by the claimant as the Department may deem necessary together with such other information as the Department may reasonably require. Claims must be filed not later than one year after the date on which the tax was paid by the claimant. The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department approves a claim, the Department shall issue a credit memorandum to the receiver who made the payment for which the credit is being given or, if the receiver has died or become incompetent, to such receiver's legal representative. The amount of such credit memorandum shall be

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

given the invoice number and the date of the transaction. Credit can then be taken in item 47 of Form R-M-P-75.

credited against any tax due or to become due under this Act from the receiver who made the payment for which credit has been given. (Section 13 of the Law) Claims filed under this Section for overpayment of the tax imposed by Section 2a of the Law approved by the Department shall bear interest at the rate and in the manner set by the Uniform Penalty and Interest Act.

(Source: Amended at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.280 Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems

(Source: Amended at 19 Ill. Reg. 3008, effective FEB 28 1995)

A distributor of motor fuel or a supplier of special fuel may make tax-free sales thereof to a municipal corporation owning and operating a local transportation system for public service in the State, provided that the distributor or supplier obtains an Official Certificate of Exemption in lieu of the tax. Such Certificate of Exemption shall accompany the distributor's or supplier's monthly Motor Fuel Tax return to the Department to support his claim to exemption from the tax. Such Certificate of Exemption shall be in substantially the following form:

Section 500.275 Procedure when Tax-Paid Motor Fuel is Returned to Licensee for Credit

a) In any case in which a customer returns the entire amount of tax-paid motor fuel covered by an invoice to the licensee, the licensee's agent or driver is to secure the original invoice which was issued to such customer at the time when such motor fuel was sold by the licensee to such customer. This invoice may be returned to the licensee upon request. The licensee, in compiling his monthly Motor Fuel Tax reports, is to detail all such returned motor fuel, reporting such transactions in the same manner as purchases of tax-paid motor fuel are reported, indicating the name and address of each person to whom credit was given, the number of gallons for which such credit was given, the invoice number and the date of the transaction. Credit can then be claimed on his return, subject to Department approval. The original invoice must be attached to the licensee's return.

"This is to certify that _____ (Name of Municipal Corporation) of _____, Illinois, a municipal corporation which owns and operates a local transportation system for public service in Illinois, purchased _____ gallons of motor fuel, Illinois Motor Fuel Tax exempt, from (Name of Distributor or Supplier) _____ whose address is _____ on Invoice No _____ dated _____, and said motor fuel is for use in operating said local transportation system.

Name of Municipal Corporation _____
Name of Authorized Representative _____
Title of Authorized Representative _____

Dated: _____, 19 ____

b) Any municipal corporation which is permitted to issue said form in lieu of the Motor Fuel Tax shall notify the Department of the name and title of each officer or employee whom such municipal corporation may authorize to sign the form on its behalf and a sample of such officer's or employee's signature shall be placed on file with the Department.

c) If the entire amount of motor fuel covered by the invoice is returned to the licensee, the original invoice is to be surrendered to and retained by the licensee for review by Department Auditors.

d) The licensee, in compiling his monthly Motor Fuel Tax reports, is to detail all such returned motor fuel on Schedule "B" reporting such transactions in the same manner as purchases of tax-paid motor fuel are reported, indicating the name and address of each person to whom credit was given, the number of gallons for which such credit was

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.285 Sales of Motor Fuel to Certain Privately-Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas

- a) A distributor of motor fuel or a supplier of special fuel may make tax-free sales thereof to a privately-owned public utility which owns and operates 2 axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities, or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission, provided that the distributor or supplier obtains an official Certificate of Exemption in lieu of the tax.
b) Such Certificate of Exemption shall accompany the distributor's or supplier's monthly Motor Fuel Tax return to the Department to support his claim to exemption from the tax.
c) Such Certificate of Exemption shall be in substantially the following form:

"This is to certify that (Purchasing Bus Company) of Illinois, a privately owned public utility which owns and operates 2 axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities, or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission, purchased gallons of motor fuel, Illinois Motor Fuel Tax exempt, from (Name of Distributor or Supplier) whose address is on Invoice No dated and said motor fuel is for use in operating such local transportation system under the limitations specified hereinabove.

Name of Purchasing Bus Company
Name of Authorized Representative

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Title of Authorized Representative

Dated: , 19 " "

- d) Any privately-owned public utility which is permitted to issue said form-in-fee-of-the-Motor-Fuel-Tax shall notify the Department of the name-and-title-of-each-officer-or-employee-whom-such-privately-owned-public-utility-may-authorize-to-sign-the-form-on-its-behalf-and-a-sample-of-such-officer's-or-employee's-signature-shall-be-placed-on-file-with-the-Department.

(Source: Amended at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.290 When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required (Repealed)

- a) When special fuel is sold by a licensed distributor or licensed supplier to a licensed bulk user, the invoice from the seller to the purchaser shall (among other things) show the purchaser's bulk user license number with this Department.
b) When special fuel is sold tax-free by a licensed distributor to a licensed supplier or by a licensed distributor to a licensed distributor or by a licensed supplier to a licensed supplier, the invoice from the seller to the purchaser shall (among other things) show the purchaser's license number or purchasing supplier's license number with this Department.

(Source: Repealed at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.295 Cost of Collection - Determination (Repealed)

- a) Distributors are not permitted to deduct from the amount of tax to be paid to the Department a discount of 2% (which is allowed to reimburse such distributors for making the collection and payment provided by Section 6 of the Motor Fuel Tax Law) on account of motor fuel used or consumed by them in their own vehicles or for any other purpose, the same is true of suppliers of special fuel with respect to special fuel which they use themselves.
b) This deduction is allowable only on sales and does not apply to gasoline used or consumed by the distributor or supplier.

(Source: Repealed at 19 Ill. Reg. 3008, effective FEB 28 1995)

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

FEB 28 1995

Section 500.301 Special Motor Fuel Permits and Decals (Repealed)

- a) Commercial-Motor-Vehicles
 - 1) Commercial-motor-vehicle--means-any-of-the-following-vehicles which-are-propelled-by-special-fuel:
 - A) Any-truck-with-more-than-2-axes?
 - B) Any-road-tractor-or
 - C) Any-track-tractor-or
 - D) Any-passenger-motor-vehicle-that-has-seats-for-20-or-more passengers.
 - 2) This-definition-does-not-include:
 - A) motor-vehicles-operated-by-this-State-or-the-United-States?
 - B) school-buses?
 - C) commercial-motor-vehicles-owned-by-a-manufacturer-or-dealer and-held-for-sale-even-though-incidentally-moved-or operated-on-the-highway-or-used-for-purposes-of-testing demonstration-or-delivery?
- b) Repealed-Commercial-Motor-Vehicles
 - 1) Meaning-means-the-giving-of-possession-and-control-of-a-vehicle for-valuable-consideration-for-a-specified-period-of-time.
 - 2) Allocation-of-responsibility-to-avoid-duplicate-reporting-of-mileage-and-payment-of-tax:
 - A) Where-the-term-of-a-lease-is-30-days-or-more-the-lessee-of-a-commercial-motor-vehicle-shall-be-responsible-for-the-reporting-of-mileage-and-the-liability-for-tax-arising-under Section-13a-3-of-the-Motor-Fuel-Tax-Baw--and--for registration-furnishing-of-bond-carrying-of-identification-cards-and-external-motor-fuel-decals-under-Section-13a-4-of-the-Motor-Fuel-Tax-Baw-and-for-all-other-duties-imposed-by Sections-13a-1-13a-2-13a-3-13a-4-and-13a-5-of-the-Motor-Fuel-Tax-Baw.
 - B) Where-the-term-of-a-lease-is-less-than-30-days-the-lessor-of-a-commercial-motor-vehicle-shall-be-responsible-for-the-reporting-of-mileage-and-the-liability-for-tax-arising-under Section-13a-3-of-the-Motor-Fuel-Tax-Baw--and--for registration-furnishing-of-bond-carrying-of-identification-cards-and-external-motor-fuel-decals-under-Section-13a-4-of-the-Motor-Fuel-Tax-Baw-and-for-all-other-duties-imposed-by Sections-13a-1-13a-2-13a-3-13a-4-and-13a-5-of-the-Motor-Fuel-Tax-Baw.
 - C) Identification-Cards--in-lieu-of-the-Department-issuing-multiple original-identification-cards-to-permittees-for-each-commercial-motor-vehicle-to-be-operated-in-this-State-permittees-are-authorized-to

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

Section 500.300 Licensure

- a) Except as provided in Section 500.320, no motor carrier shall operate commercial motor vehicles, as defined in Section 500.100, in Illinois without first securing a motor fuel use tax license and decals issued by the Department (under either the IFTA or the Illinois interstate program) or an IFTA motor fuel use tax license and decals issued under the International Fuel Tax Agreement by any member jurisdiction.
- b) Illinois IFTA credentials may be obtained from the Department by Illinois based carriers who operate one or more commercial motor vehicles in at least one other IFTA-member jurisdiction. Illinois based carriers are those carriers whose operational control and records for their vehicles are maintained or can be made available in Illinois and whose commercial motor vehicles accrue miles in Illinois. Carriers who are based in a non-IFTA state will not be issued IFTA credentials by the Department, unless issuance is granted for fleet consolidation purposes.
An Illinois carrier registered under the IFTA must consolidate all vehicles in its fleet. Fleet consolidation must include commercial motor vehicles based in other IFTA jurisdictions, non-IFTA jurisdictions, and motor vehicles which travel exclusively intrastate, regardless of jurisdiction.
- c) Motor carriers operating commercial motor vehicles that are based in a state that has not joined IFTA, and who wish to operate in Illinois, may apply for an Illinois Interstate Motor Fuel Use Tax license and decals. If such carriers do not wish to obtain these credentials, they must obtain single trip permits before operating in Illinois.
- d) Motor vehicles operated by the State of Illinois or the United States government, recreational vehicles and school buses are not required to register as provided in subsection (a). However, if these carriers will travel in other jurisdictions, they may wish to obtain a motor fuel use tax license and decals under the provisions of the International Fuel Tax Agreement. This will allow the carrier, when in an IFTA jurisdiction that does not consider it exempt, to avoid receiving citations or being required to obtain the proper credentials (e.g., single trip permits). If the carrier is travelling in a non-IFTA jurisdiction and is not considered to be exempt from fuel tax reporting requirements, it must purchase single trip permits or otherwise obtain the proper motor fuel use tax credentials required by the laws of that particular jurisdiction.
- e) In order to establish and maintain the concept of one license and administrative base jurisdiction for each licensee, the Department shall issue only one license to each person.

(Source: Added at 19 Ill. Reg. 8003, effective

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

d) make reproductions of their original identification cards; Motor Fuel Decals. Each commercial motor vehicle propelled by special fuel operating upon the highways of this State shall conspicuously display an external motor fuel tax identification device in the motor fuel decal, on the passenger side of the commercial motor vehicle. However, buses that qualify as commercial motor vehicles may display such devices on the driver's side of the vehicles. The transfer of a motor fuel decal from one vehicle to another or from one motor carrier to another motor carrier is prohibited. The fee for a motor fuel decal shall be \$3.50 for each decal, and a maximum fee of \$2.00 for a replacement. A motor fuel decal shall be valid for a period of 2 calendar years.

e) Revocation and Return of Permit. In the event that the Department revokes a permit for failure to pay the State motor fuel tax, the Act for the sale or use of special motor fuel, the motor carrier shall immediately return his permit to the Department.

f) Single Trip Permits. A commercial motor vehicle operating in Illinois without a permit as required in Section 13a-4 of the Motor Fuel Tax Law must obtain a single trip permit from the Department. A motor carrier may purchase only 3 single trip permits within a 12-month period. Motor carriers who have need for more than 3 single trip permits within a 12-month period must register and obtain a permanent permit as provided in Section 13a-4 of the Motor Fuel Tax Law. Single trip permits will be issued to one commercial motor vehicle and are nontransferable. Single trip permits expire at the end of 72 hours from the time of issuance.

g) Enforcement Procedure. A commercial motor vehicle operating in Illinois without a permit shall not be permitted to continue until a temporary permit has been obtained and any penalties have been satisfied. If a commercial motor vehicle is found operating in Illinois without registering and securing a permit when such is required by Section 13a-4 and 13a-5 of this Act, the operator must pay a minimum of \$1,000 as a penalty. (Section 13a-6 of the Law)

h) A carrier operating a vehicle without having a permit to do so is guilty of a Class 4 felony, and for each subsequent offense such carrier is guilty of a Class 3 felony. If a carrier who has a single trip motor fuel permit fails to display such a permit, the carrier is guilty of a petty offense. If a carrier obtains a single trip permit in excess of the three permitted per 12-month period, the carrier is guilty of a petty offense for each permit that is obtained in excess of such limitation.

2) A carrier operating a vehicle without carrying an identification card or displaying an external Motor Fuel Tax identification device in accordance with Section 13a-4 of the Motor Fuel Tax Law is subject to the following penalties:

- A) Post-failure to carry an identification card; the carrier is guilty of a petty offense.
- B) Post-failure to display an external motor fuel identification

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

device, the carrier is guilty of a petty offense. (Source: Repealed at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.302 Motor Carrier's Quarterly Report (Repealed)

a) Except as provided in subsection (c), every motor carrier who operates a commercial motor vehicle on any highway within this State shall file a report with the Department on or before the last day of the month next succeeding any calendar quarter (i.e., in the months of April, July, October, and January, respectively) setting forth a statement of the number of miles traveled in every jurisdiction and in this State during the previous calendar quarter and the number of gallons of special fuel consumed on the highways of every jurisdiction and of this State during such previous calendar quarter.

b) In addition, this report may include both gallons of fuel purchased and miles operated that were unavailable for the two immediately preceding calendar quarters, upon which a tax was paid under this Act, and other information which may include, but not be limited to, original tax paid receipts as evidence of the number of gallons purchased, which were omitted from the reports for the two immediately preceding calendar quarters and are now included in the current filed report.

c) Motor carriers that incur an annual Motor Fuel Use Tax liability of less than \$625 for the prior 12-month period of January 1 through December 31, may file an annual return due January 31, rather than quarterly returns. (Section 13a-3 of the Law as amended by P.A. 06-1481)

(Source: Repealed at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.305 Licenses and Decals

a) Applications for motor fuel use tax licenses and decals shall be made under oath and on forms provided by the Department. Information provided to the Department shall include:

- 1) a carrier's Federal Employer Identification Number (in the case of a sole proprietorship, the Social Security number of the owner);
- 2) owner, partnership or corporate name;
- 3) name, title and social security number of all officers, partners or owners;
- 4) legal business name (if different from subsection (a)(2));
- 5) physical location of the business;
- 6) mailing address of the business;
- 7) signature of the applicant. All applications must be signed by

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

an officer or officers of the entity seeking licensure, or a person who is a partner or owner. Reporting services or persons responsible for reporting a licensee's tax obligations under a power of attorney are not permitted to sign an application on behalf of any applicant;

8) type of fuel(s) used by applicant;

9) number of decals required by the licensee;

10) decal fee;

11) for IFTA applicants, a statement of the existence of bulk storage facilities in all member jurisdictions; and

a statement that the applicant agrees to comply with reporting, payment, recordkeeping, and license display requirements, and all applicable regulations. IFTA applicants must agree that the base jurisdiction may withhold any refunds due if the applicant is delinquent on payment of motor fuel use taxes due any member jurisdiction or taxes owed to the Department.

b) Bonds are not required for first-time applicants. However, bond may be required for just cause, as determined by the Department. Bonds may be required when a licensee fails to file timely reports, when he fails to remit the proper tax, when the Department has twice received a Non-Sufficient Funds check as payment, or when an audit indicates problems severe enough that, in the Director's discretion, a bond is required to protect the interests of the Department. If a bond is required, it shall be in the amount of \$1000, or twice the estimated average tax liability for the reporting period, whichever is greater.

c) Neither a license or decals shall be issued to any person who fails to file a return, or to pay the tax, penalty or interest for a filed return, or to pay any final assessment of tax, penalty or interest, as required by the Law, or as required by any other tax Act administered by the Department [20 ILCS 2505/39b47].

d) Persons required to file bonds with the Department must make payments by certified check.

e) Upon receipt of a complete application for a license and decals, including payment for decals, any required reinstatement fees and provision of an approved bond, if applicable, the Department will issue each applicant one license. In addition to the license, a minimum of two decals per commercial motor vehicle will also be issued. A license and decals are valid for a period of one calendar year.

(Source: Amended 19 Ill. Reg. 3008, effective

FEB 28 1995)

Section 500.310 Display of License and Decals

a) Motor fuel use tax licenses, or copies thereof, shall be carried in

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

the cab of each commercial motor vehicle operating in Illinois. Failure to carry a copy of the license in the commercial motor vehicle may subject the operator to the purchase of a single trip permit and/or a citation.

b) The Department will not issue multiple licenses to an applicant. If the applicant requires multiple licenses, he may make legible copies of his license and carry them in his vehicles.

c) One decal must be placed on the exterior portion of each side of the cab of the commercial motor vehicle. In the case of transporters, manufacturers, dealers, or driveway operators, the decals need not be permanently affixed, but may be temporarily displayed in a visible manner on both sides of the cab. Failure to display decals in the required manner may subject the vehicle operator to the purchase of a single trip permit and/or a citation.

d) Decals are not vehicle specific. Licensees may purchase additional decals at a cost of \$3.75 per set throughout the license year. If decals are destroyed, lost or stolen, replacements may be obtained from the Department at a cost of \$2 per set. Additional decals must be ordered on forms provided by the Department.

e) Decals are valid only for the vehicle of the person to whom they are issued. The transfer of decals between commercial motor vehicles or from one motor carrier to another is prohibited.

f) All IFTA carriers shall be allowed a two-month grace period to display the current year IFTA license and decals. They may display a decal and license from the previous year issued by any member jurisdiction until March 1.

Carriers from new member jurisdictions shall be allowed a two-month grace period from the date of the new member's IFTA program implementation to display the IFTA license and decals. However, to operate in Illinois, these carriers must either display a decal and license issued by Illinois for the previous year, a single trip permit, or the current year IFTA license issued by their base state.

(Source: Amended 19 Ill. Reg. 3008, effective

FEB 28 1995)

Section 500.315 Renewal of Decals and Licenses

a) Motor fuel use tax licenses and decals must be renewed annually on forms provided by the Department. The Department shall mail renewal applications to all currently registered licensees in good standing. Failure to receive a license renewal application does not excuse a licensee's failure to renew his credentials.

b) The Department may deny a renewal application if the applicant has failed to file a return, pay any outstanding motor fuel use tax liabilities or other liabilities owed to the Department, or is currently revoked.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

(Source: Added 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.320 Single Trip Permits

- a) A commercial motor vehicle does not have motor fuel use tax credentials under either IFTA or the Illinois interstate motor fuel use tax program, a single trip permit to operate in Illinois must be obtained. A single trip permit may be obtained upon proper application from the Department or its agents.
- b) A single trip permit authorizes operation of a commercial motor vehicle for a single trip through the State of Illinois, or from a point on the border of this State to a point within and return to the border.
- c) The fee for each single trip permit shall be \$20 and such single trip permit is valid for a period of seventy-two hours. This fee is in lieu of the tax and all reports required by Section 13a.3 of the Law, as well as the registration, decal display and furnishing of bond required by Section 13a.4 of the Law.

(Source: Added at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.325 Licensure of Lessors and Lessees

- a) A lessor regularly engaged in the business of leasing or renting motor vehicles without drivers for compensation to licensees or other lessees may be deemed to be the licensee, and such lessor may be issued a license if an application has been properly filed and approved by the base jurisdiction.
- b) In the case of a carrier using independent contractors under long-term leases (more than 30 days), the lessor and lessee will be given the option of designating which party will report and pay fuel use tax. If the lessee (carrier) assumes responsibility for reporting and paying motor fuel taxes, the base jurisdiction for purposes of this Part shall be the base jurisdiction of the lessee, regardless of the jurisdiction in which the commercial motor vehicle is registered for vehicle registration purposes by the lessor.
- c) For motor vehicle leases of 30 days or less, the lessor of the motor vehicles under lease will be liable for all requirements of the motor fuel use tax program.
- d) In the case of a household goods carrier using independent contractors, agents, or service representatives, under intermittent leases, the party liable for motor fuel tax shall be:
 - 1) The lessee (carrier) when the commercial motor vehicle is being operated under the lessee's jurisdictional operating authority. The base jurisdiction for purposes of this Part shall be the base jurisdiction of the lessee (carrier), regardless of the

jurisdiction in which the commercial motor vehicle is registered for vehicle registration purposes by the lessor or lessee.

- 2) The lessor (independent contractor, agent, or service representative) when the qualified motor vehicle is being operated under the lessor's jurisdictional operating authority. The base jurisdiction for purposes of this Part shall be the base jurisdiction of the lessor, regardless of the jurisdiction in which the commercial motor vehicle is registered for vehicle registration purposes.
- e) For licensees registered under the IFTA, leases shall be made available upon request of the Department or request of any member jurisdiction.

(Source: Added at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.330 Cancellation of License

- a) A licensee may request that its license be cancelled. A license will only be cancelled if all reporting requirements and tax liabilities have been met and the account is clear of any unapplied payments or credits. A licensee must request cancellation either by checking the cancellation box on the quarterly tax return and noting the date of the end of operations, or by submitting a written request for cancellation to the Department.
- b) Upon cancellation, the carrier must destroy its original license and all copies, and decals.
- c) A final audit may be conducted by the Department, or for IFTA licensees, by any IFTA jurisdiction, upon cancellation of the license. A carrier cancelling a license must retain all records for a period of four years from the due date of the final quarterly tax return.

(Source: Added 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.335 Quarterly Payment and Reporting

- a) Every person holding a valid unrevoked motor fuel use tax license issued by the Department under either the Illinois interstate motor fuel use tax program or under the provisions of the IFTA shall file a quarterly motor fuel use tax return, along with full payment of taxes, with the Department. Returns are due, even if no operations were conducted during the reporting period. The due date for the return and full payment of taxes is the last day of the month immediately following the close of the quarter for which the return is being filed. Returns and full payment of taxes are due on or before the following dates:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

used by the jurisdiction in which the fuel was consumed. The conversion rate for compressed natural gas is 14.7 pounds per square inch for 1 gallon or 1.24 therms of compressed natural gas for 1 gallon.

g) In order for a licensee to obtain credit for tax-paid retail purchases, a receipt or invoice, a credit card receipt, or microfilm/microfiche of the receipt or invoice must be retained by the licensee showing evidence of such purchases and tax having been paid by the licensee directly to the applicable jurisdiction of at the pump. The receipt must contain the following information:

- 1) date of purchase;
- 2) seller's name and address;
- 3) number of gallons purchased;
- 4) fuel type;
- 5) price per gallon or total amount of sale;
- 6) unit numbers; and
- 7) purchaser's name (in the case of a lessee/lessor agreement, receipts will be accepted in either name, provided a legal connection can be made to reporting party).

h) In the case of withdrawals from licensee-owned, tax-paid bulk storage, credit may be obtained only if the following records are maintained:

- 1) date of withdrawal;
- 2) number of gallons;
- 3) fuel type;
- 4) unit number (upon application by a licensee, the Department may waive the requirement of unit numbers for fuel withdrawn from the licensee's own bulk storage and placed in its commercial motor vehicles. The licensee must show that adequate records are maintained to distinguish fuel placed in commercial vs. non-commercial motor vehicles for all member jurisdictions); and
- 5) purchase and inventory records to substantiate that tax was paid on all bulk purchases.

i) Carriers registered under the IFTA must pay all taxes due to all member jurisdictions with one check, to be made payable to the Department. Payment by certified check is required of licensees who are required to post a bond.

j) Returns shall be filed on forms provided by the Department. However, with written approval from the Department, a licensee may submit a computer-generated tax return instead of the Department-supplied return. Computer-generated tax returns will be approved only if they contain all the same information, are in the same format and are on the same size paper, as the Department's return.

k) If a licensee uses a reporting service for his motor fuel use taxes, a power of attorney must be placed on file annually at the time of renewal. Filing a power of attorney does not relieve the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Reporting Quarter	Due Date
January - March	April 30
April - June	July 31
July - September	October 31
October - December	January 31

If the due date is a Saturday, Sunday, or legal holiday, the next business day is considered the due date. Each motor fuel use tax return should be mailed in a separate envelope.

b) The taxable event is the consumption of motor fuel, as defined in Section 500.100 of this Part, used to operate commercial motor vehicles. For tax payment and reporting purposes, all motor fuels placed in supply tanks of commercial motor vehicles, and all miles travelled, are taxable. Carriers must utilize the procedures in Section 500.235 for refunds for off-road or non-highway use.

c) For IFTA licensees: The IFTA provides that member jurisdictions may determine what type of motor fuels and miles travelled are exempt from tax, and are therefore not reportable. Carriers should contact member jurisdictions to determine what types of fuel and miles travelled are exempt from taxation. For IFTA carriers, claims for refunds for fuel used for any purpose other than propelling a commercial motor vehicle upon public highways must be made directly to the respective jurisdiction.

d) The quarterly return shall include a statement of the total number of miles travelled, as well as total miles travelled in each jurisdiction and in Illinois during the previous calendar quarter; the total number of gallons and type of reportable motor fuel consumed on the highways of all jurisdictions, as well as in each jurisdiction and in Illinois, and the total number of gallons and types of tax paid fuel purchased within each jurisdiction during the previous calendar quarter; and the total (net) of tax due the base jurisdiction on behalf of all jurisdictions. Licensees shall report all required information, and may not include miles operated and gallons of fuel purchased that were unavailable during any prior quarters. If a licensee does not include all required information, and that information is subsequently available, he must file an amended return, which will include penalty and interest.

e) Fuel and distance must be reported in gallons and miles. The conversion rates are:

- One liter = 0.2642 gallons
- One gallon = 3.785 liters
- One mile = 1.6093 kilometers
- One kilometer = 0.62137 mile

f) For carriers registered under the IFTA which consume compressed natural gas and other fuels that cannot be measured in gallons, the fuels must be converted to gallons using the conversion factor

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

licensee of the legal obligations associated with the license. The licensee is responsible for the payment of taxes as well as all acts and omissions of the reporting service. If a power of attorney is on file, the Illinois Department of Revenue will mail the quarterly tax return to the reporting service. Decal and renewal applications, however, will always be mailed directly to the licensee.

- 1) Reports not filed or full payment of taxes not made by the due date shall be considered late and any taxes due considered delinquent. The licensee shall be assessed a penalty of \$50 or 10 percent of the delinquent taxes, whichever is greater, for failure to file a report, for filing a late report, or for underpayment of taxes due. Tax shall bear interest at the rate of 1 percent per month or fraction of month until paid. For reasonable cause shown, the Department may waive a penalty. For IFTA licensees, the Department may waive interest for another jurisdiction only with that jurisdiction's approval.

(Source: Added 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.340 Credits and Refunds

- a) A licensee shall receive full credit or refund for tax-paid fuel used outside the jurisdiction where the fuel was purchased. For Illinois interstate program licensees, as to each gallon of motor fuel purchased in Illinois by such motor carrier during the previous calendar quarter in excess of the number of gallons of motor fuel used by such motor carrier on the highways of Illinois during such previous calendar quarter, the licensee may take a credit for the current calendar quarter's tax liability. For IFTA licensees, a licensee may apply the overpayment generated in one jurisdiction to the taxes owed to another jurisdiction.
- b) Credits shall be carried over to offset liabilities of the licensee in future reporting periods until the credit is fully offset or until eight calendar quarters shall have passed since the end of the calendar quarter in which the credit accrued, whichever occurs sooner. If the credit has not been used to offset liabilities in 8 calendar quarters, it shall be refunded to the licensee.
- c) Credits and refunds will be made only when all tax liability, including audit assessments, has been paid to the Department or when all motor fuel use tax liabilities, including audit assessments, penalty and interest owed to other jurisdictions, has been satisfied.
- d) Refunds will not be made for amounts under \$1. Amounts less than \$25 will be credited, and sums of \$25 and over will be automatically refunded.
- e) Refunds determined to be properly due shall be paid within 90

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

days after receipt of a request by the licensee. If not so paid, interest shall accrue at the rate of 1 percent per month or fraction thereof until the refund is paid.

f) No credit or refund shall be allowed or made based upon:

- 1) a return filed more than one year after the due date of such return; or
- 2) overpayments for which records are no longer required to be kept. A request for a refund shall extend the records requirement date until the refund is made or denied.
- g) While not required to be attached to the return, proof of tax-paid purchases, as specified in Section 500.335(g) or (h), must be retained by the licensee.
- h) For carriers registered under the IFTA, credits or refunds for tax paid on tax-exempt fuels must be made directly with the participating jurisdiction.

(Source: Added 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.345 Records Requirements

- a) Each licensee shall maintain records to substantiate information reported on the quarterly tax report. Records shall be preserved for a period of four years from the due date of the return or the date filed, whichever is later. Records may be kept on microfilm, microfiche, or other computerized or condensed record storage system. Such records, for IFTA licensees, shall be made available upon request of any member jurisdiction.
- b) Non-compliance with any recordkeeping requirement may be cause for revocation of the license.
- c) Failure to provide records demanded for the purpose of audit extends the statute of limitations until the records are provided. Successive failures to adequately respond to a demand for records relate back to the first demand.
- d) Bulk storage fuel purchases and withdrawals and over-the-road purchases are to be accounted for separately.
- e) Fuel records shall contain the following items:
 - 1) the date of each receipt of fuel;
 - 2) the name and address of the person from whom purchased or received;
 - 3) the number of gallons received;
 - 4) the type of fuel; and
 - 5) the vehicle or equipment into which the fuel was placed.
- f) All licensees shall, in addition, maintain detailed distance records which show operations on an individual-vehicle basis. Such records shall contain but not be limited to:
 - 1) both taxable and non-taxable usage of fuel;
 - 2) distance traveled for taxable and non-taxable use; and

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 3) distance recaps for each vehicle for each jurisdiction in which the vehicle operated.
- The Individual Vehicle Mileage Record (IVMR) required by the International Registration Plan is an acceptable source document for recording vehicle distance information. Another acceptable source document is a trip report which includes the information in subsection (f)(1)-(3), as well as the date of trip (starting and ending), trip origin and destination (including city and state), routes of travel and/or beginning and ending odometer readings, vehicle unit number, and/or beginning and ending odometer readings.
- g) On-Board Recording Devices. On-board recording devices may (at the option of the carrier) be used in lieu of or in addition to handwritten trip reports for fuel tax reporting. On-board recording devices may be used alone or in conjunction with an electronic computer system, or in conjunction with manual systems.

1) All recording devices used to generate trip reports or used in conjunction with manual systems must meet the requirements shown in subsections (g)(3) and (4) below. When the on-board recording device is used in conjunction with an electronic computer system and reports are prepared on the basis of data downloaded from the recording device, the overall system must meet the requirements of subsections (g)(4), (5) and (7).

2) Use of On-Board Recording Device Only. When the device is to be used alone, printed reports must be produced which replace the handwritten trip reports. The printed trip reports shall be retained for audit. Vehicle and fleet summaries which show miles and kilometers by jurisdiction must then be prepared manually.

3) Use of On-Board Recording Device in Conjunction with Electronic Computer System. When the computer system is designed to produce printed trip reports, vehicle and fleet summaries which show miles and kilometers by jurisdiction must also be prepared. When the printed trip reports will not be retained for audit, the system must have the capability of producing, upon request, the reports indicated in subsection (g)(7).

4) Minimum Device Requirements. Minimum device requirements include the following:

- A) The carrier must obtain a certificate from the manufacturer certifying that the design of the on-board recording device has been sufficiently tested to meet the requirements of this provision.
- B) The on-board recording device and associated support systems must be, to the maximum extent practicable, tamper proof and must not permit altering of the information collected. Editing of copies of the original information collected will be allowed, but all editing must be identified and both the edited and original data must be

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- recorded and retained.
- C) The on-board recording device shall warn the driver visually and/or audibly that the device has ceased to function.
- D) The device must time and date stamp all data recorded.
- E) The device must not allow data to be overwritten before the data has been extracted. The device shall warn the driver visually and/or audibly that the device's memory is full and can no longer record data.
- F) The device must automatically update a life-to-date odometer when the vehicle is placed in motion or the operator must enter the current vehicle odometer reading when the on-board recording device is connected to the vehicle.
- G) The device must provide a method for the driver to confirm that the entered data is correct (e.g., a visual display of the entered data that can be reviewed and edited by the driver before the data is finally stored).
- 5) Data collection. To obtain the information needed to verify fleet distance, to prepare the "Individual Vehicle Distance Record(s)" (IVDR), and for fuel tax purposes, the device must collect the following data on each trip:
- A) date of trip (starting and ending);
- B) trip origin and destination (location code is acceptable);
- C) routes of travel;
- D) beginning and ending odometer or hubodometer reading of the trip;
- E) total trip distance;
- F) distance by jurisdiction;
- G) power unit number or vehicle identification number;
- H) vehicle fleet number;
- I) registrant's name;
- J) driver ID or name;
- K) intermediate trip stops;
- L) date of purchase;
- M) seller's name and address (vendor code acceptable);
- N) number of gallons purchased;
- O) fuel type (may be referenced from vehicle file);
- P) price per gallon or total amount of sale (required only for purchases from vendors);
- Q) unit numbers; and
- R) purchaser's name (in the case of lessee/lessor agreement, receipts will be accepted in either name, provided a legal connection can be made to reporting party).
- 6) For purposes of bulk fuel tax, the device must collect, in addition to the items in subsection (g)(5)(A)-(R), the following data:
- A) date of withdrawal;

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- B) number of gallons;
 C) fuel type;
 D) unit number; and
 E) purchase and inventory records to substantiate that tax was paid on all bulk purchases.
- 7) Capability of System to Produce Reports. Generally speaking, the reports referred to in this subsection are not prepared by the on-board recording device. Instead, these reports are prepared using an electronic computer system which accepts data from the on-board recording device. The system must be able to produce the following reports:
- A) For each trip, an Individual Vehicle Distance Record (IVDR) report that includes the information required in subsection (g)(5) (Note: this report may be more than one page);
 B) A report that indicates when the on-board recording device was last calibrated and the calibration method used;
 C) An exception report(s) that identifies all edited data, omissions of required data (see subsection (g)(5)), system failures, noncontinuous life-to-date odometer readings, travel to noncontiguous states, and trips where the location of the beginning trip is not the location of the previous trip;
 D) A monthly, quarterly, and annual summary of vehicle trips by vehicle number showing miles or kilometers by jurisdiction;
 E) Monthly, quarterly, and annual trip summaries by fleet showing the number of miles or kilometers by jurisdictions.
 8) Carrier Responsibilities. All carriers must observe the following requirements:
 A) It is the carrier's responsibility to recalibrate the on-board recording device when tire size changes, the vehicle drive-train is modified, or any modifications are made to the vehicle which affect the accuracy of the on-board recording device. The device must be maintained and recalibrated in accordance with the manufacturer's specifications. A record of recalibrations must be retained for the audit retention period.
 B) It is the carrier's responsibility to assure its drivers are trained in the use of the computer system. Drivers shall be required to note any failure of the on-board recording device and to prepare manual trip reports of all subsequent trip information until the device is again operational.
 C) It is the carrier's responsibility to maintain a second copy (back-up copy) of the electronic files either electronically or in paper form for the audit retention period.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- D) It is the carrier's responsibility to assure the entire record-keeping system meets the requirements of the Department. It is suggested that the carrier contact the Department's audit division for verification of audit compliance prior to implementation.

(Source: Added, 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.350 Revocation

- a) The Department may revoke the motor fuel use tax license of a carrier registered under either the Illinois Interstate or IFTA program, for violation of any provision of the Law or any rules promulgated thereunder. Causes for revocation include, but are not limited to, failure to file a quarterly tax return or to remit all taxes due, or improper use of decals.
 b) The Department shall send the licensee a written notice of its decision to revoke a license. Unless the licensee timely protests the Department's determination as provided for in Section 500.355, the revocation is final.
 c) A licensee whose license has been revoked may have that license reinstated if the condition which caused revocation is remedied. The carrier must pay a \$100 reinstatement fee and file a new application for a license and decals. Carriers whose license has been revoked and then reinstated will be required to post a bond in accordance with the provisions of Section 500.305.

(Source: Added, 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.355 Protest Procedures

- a) A licensee or applicant may protest an action or audit finding made by the Department by submitting a written request for a hearing within 30 days after notification of the notice of the original action or finding. If the hearing is not requested within 30 days, the Department's action becomes final.
 b) In the case of an audit, if the licensee is in disagreement with the original audit finding of the Department, it may request any or every jurisdiction to audit the licensee's records. Each jurisdiction to which a request is made may elect to accept or deny the request. Each jurisdiction electing to audit the licensee's records will audit only for its own portion of the licensee's operations. The licensee shall make records available at the office of the jurisdiction or at a place designated by the jurisdiction or pay reasonable per diem and travel expenses associated with conducting an audit at the licensee's place of business.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- c) Hearings that have been timely requested will be scheduled by the Department. The Department will provide written notice of the date, time, and place of the hearing at least 20 days prior to the hearing date.
- d) Hearings shall be conducted in accordance with the provisions of the Illinois Administrative Procedure Act (5 ILCS 100) and regulations promulgated thereunder found at 86 Ill. Adm. Code 200.101 through 200.175.
- e) The Department shall notify the licensee of the findings of fact and ruling on the hearing. If, within 35 days from the date the licensee receives notice of such decision, proceedings for review thereof are not instituted in the manner provided by the Administrative Review Law (735 ILCS 5/Art. III), the decision shall become final.
- f) For IFTA licensees only, the Department shall participate in the hearing on behalf of all member jurisdictions.

(Source: Added at 19 Ill. Reg. 3008, effective

FFR 2-8-1995)

Section 500.360 Audits

- a) The purpose of an audit is to verify fuel and mileage data reported on the quarterly tax return. Any licensee may be selected for audit.
- b) Prior to conducting an audit, the auditor will contact the licensee to arrange a date to commence the audit. At that time, the auditor will outline the time period to be audited and the records to be reviewed. A confirmation letter will be sent to confirm date and time. For just cause (e.g., to ensure the validity of the audit), the notification requirement may be waived. At the beginning of the audit, the auditor will determine background information, reporting methods and records that will be reviewed. As the audit progresses, the auditor and licensee will discuss the sample conference will be held with the licensee to explain audit adjustments and future reporting practices. Any audit adjustment will be reflected on an amended return covering the period of the audit. Payment of the liability, if any, will be requested. If the licensee does not agree, an audit assessment will be issued.
- c) Audit guidelines. Audits will be completed using the best information available. In the absence of adequate records, a standard of four miles per gallon will be used. Tax-paid fuel entries will be disallowed if tax-paid fuel documentation is unavailable. All reasonable attempts will be made to verify reported miles.
- d) If a licensee fails to make records available upon proper request or if any licensee fails to maintain records from which the licensee's true liability may be determined, the Department may, 30

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

days after requesting in writing that the records be made available or receiving notification of the insufficient records, determine the licensee's tax liability. The determination shall be made from information previously furnished by the licensee, if available, as well as any other pertinent information which is available to the Department.

e) In the event that an IFTA licensee's records are not located in Illinois and the Department must send auditors to the place the records are kept, the Department may require the licensee to reimburse it for reasonable per diem and travel expenses of its auditors, as authorized by law.

f) IFTA Licensees - Additional Audit Requirements. The Department will audit its IFTA licensees on behalf of all member jurisdictions and shall submit audit reports to all other member jurisdictions. In addition, the following additional requirements shall apply to IFTA licensee audits:

- 1) A member jurisdiction may re-examine a base jurisdiction's audit findings if the member jurisdiction reviews the audit work papers and, within 45 days after receipt of the audit findings by the member jurisdiction, notifies the Department of any errors found during such review and of its intention to conduct the re-examination. Such re-examination by a member jurisdiction must be based exclusively on the audit sample period utilized by the Department in conducting its audit.
- 2) A member jurisdiction may reaudit a licensee if said member jurisdiction notifies the base jurisdiction and the licensee of a reasonable cause for the re-audit.
- 3) The re-audit or re-examination by a member jurisdiction must be performed in cooperation with the base jurisdiction. An adjustment to original audit findings as a result of such re-audit or re-examination must be reconciled with the original audit findings issued by the Department. New audit findings shall be issued by the Department. A member jurisdiction conducting a re-audit or re-examination shall pay its own expenses.

(Source: Added at 19 Ill. Reg. 3008, effective FEB 2 8 1995)

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section 500.400 Timely Mailing Treated as Timely Filing and Paying--Meaning of Due Date Which Falls on Saturday, Sunday or a Holiday General Information

- a) Any report, claim, tax return, statement or other document required or authorized to be filed with or any payment made to the Department of Revenue, which document or payment is transmitted through the United States mail, will be deemed to have been filed with and received by

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

the Department on the date shown by the post office cancellation mark stamped upon the envelope or other appropriate wrapper containing it. If mailed but not received by the Department, or if received, but the cancellation mark is illegible, erroneous or omitted, the document or payment will be deemed to have been filed on the date it was mailed if the sender establishes by competent evidence that the document or payment was deposited, properly addressed, in the United States mail on or before the date ~~due-for-filing~~ on which it was required or authorized to be filed or was due. In the event of the Department's failure to receive a document or payment required or authorized by law to be filed, such document or payment will be deemed to have been received by the Department on time if the sender files with the Department a duplicate within 30 days after written notification is given to the sender by the Department of its failure to receive such document or payment, provided proof is furnished that the original of the document was deposited in the United States mail on or before the date due for filing.

For purposes of this Section, the terms "licensee" and "license" include "permittee" and "permit." If the any licensee, other than any licensee under the Motor Fuel Use Tax program, discontinues business, the license must be returned to the Department for cancellation. Licensees ~~are-expected-to~~ must apply for and secure a new license and to furnish a new bond under the following circumstances:

- a) When there has been a change in the name of the company, even though the ownership remains the same;
- b) when the business of an individual or a partnership is taken over and continued by a corporation;
- c) when the licensee is a corporation and surrenders its charter, and the business is continued by an individual, a partnership or any other legal person;
- d) when a licensee dies, and the business is continued by another person;
- e) when a licensee becomes incompetent or bankrupt or otherwise subject to the jurisdiction of a court, and the business is continued by a conservator, trustee in bankruptcy or other person appointed by the court;
- f) when an individually owned business is taken over and continued by a partnership;
- g) when a business owned by a partnership is taken over and continued by an individual;
- h) when a business which is owned by an individual or a partnership or a corporation is taken over and continued by a different individual, partnership or corporation; and
- i) when any other situation arises in which a business that is owned by one type of legal person is taken over and continued by a different legal person.

(Source: Amended at 19 Ill. Reg. 3008, effective FEB 28 1995)

(Source: Amended at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.405 Due Date That Falls on Saturday, Sunday or a Holiday
If the due date for any return, report, payment, statement or other document required or authorized to be filed with the Department falls on Saturday, Sunday or a holiday as defined or fixed in any statute now or hereafter in force in this State, such due date shall be considered to be the next business day either for the purpose of submitting such return or other report or payment by United States mail or for the purpose of submitting such return or other report by any means other than the United States mail.

Section 500.501 Blenders' Permits Are Not Transferable (Repealed)
If the permittee discontinues business, the permit must be returned to the Department for cancellation. Permittees are expected to apply for and secure a new permit under the following circumstances:

- a) When there has been a change in the name of the company, even though the ownership remains the same;
- b) when the business of an individual or a partnership is taken over and continued by a corporation;

(Source: Added at 19 Ill. Reg. 3008, effective FEB 28 1995)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- e) when the permittee is a corporation and surrenders its charter and the business is continued by an individual, a partnership or any other legal person?
- d) when the permittee dies and the business is continued by another person?
- e) when a permittee becomes incompetent or bankrupt or otherwise subject to the jurisdiction of a court and the business is continued by a conservator, trustee in bankruptcy or other person appointed by the court?
- f) when an individually owned business is taken over and continued by a partnership?
- g) when a business owned by a partnership is taken over and continued by an individual?
- h) when a business which is owned by an individual or a partnership or a corporation is taken over and continued by a different individual, partnership or corporation, and
- i) when any other situation arises in which a business that is owned by one type of legal person is taken over and continued by a different legal person.

(Source: ~~Reg. 6095~~ at 19 Ill. Reg. 3008, effective FEB 28 1995)

Section 500.505 Changes of Corporate Officers

All changes of corporate officers should be promptly reported to the Department.

(Source: Amended at 19 Ill. Reg. 3008, effective FEB 28 1995)

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

Section 500.600 Incorporation of the Retailers' Occupation Tax Regulations by Reference

The following Sections of the Retailers' Occupation Tax Regulations are incorporated by reference and made a part hereof insofar as such Sections they can be applied without conflict to comparable the provisions of the Motor Fuel Tax Law ~~situations~~ or any regulations promulgated thereunder: 86 Ill. Adm. Code 130.815 (except as applied to motor fuel use tax licenses), 130.901 (except as applied to motor fuel use tax licenses) ~~except subsection (f)~~, 130.1601, and 130.1701. The references to "taxpayer" in 86 Ill. Adm. Code 130.1601 and 130.1701 shall apply to "distributor and supplier" licenses.

(Source: Amended at 19 Ill. Reg. 3008, effective FEB 28 1995)

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part:
Organic Material Emission Standards and Limitations for the Metro East Area
- 2) Code Citation: 35 Ill. Adm. Code 219
- 3) Section Numbers: Emergency Action:
219.585 Amend
- 4) Statutory Authority: Section 27(c) of the Environmental Protection Act [415 ILCS 5/27(c)] and Section 5-45 of the Administrative Procedure Act [5 ILCS 100/5-45].
- 5) Effective Date of Emergency Amendments: February 28, 1995
- 6) If this emergency rule amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date Filed in Agency's Principal Office: February 23, 1995

8) Reason for Emergency:

The compliance date for facilities, other than retail and wholesale-consumer facilities, to achieve a maximum gasoline RVP of 7.2 psi is one month earlier than the federal compliance date for these facilities. Federal regulations require such facilities to comply by June 1st of each year, while Section 219.585(a) requires compliance by May 1st. The May 1st date was agreed to by the Agency and industry in part in reliance on regulatory action by Missouri which did not occur. This emergency rule is necessary because a non-emergency rulemaking cannot be completed prior to May 1, 1995, and there is a threat to the public interest and welfare.

The environmental effect of the one month delay is expected to be minimal (0.27 tons per day of volatile organic emissions reductions per Agency estimates). The hardship of May (as opposed to June) compliance to the petroleum industry is: (1) for the refiners, acceleration of production schedules to supply lower volatility gasoline for only one small area of a larger market area; (2) for pipelines, the need to ship a separate, low RVP to the Illinois market during the month of May; and (3) for gasoline distributors, the shortening of time to blend down their tanks from higher volatility winter gasoline and the resulting rise of the risk of being out of compliance. Under these circumstances, the Board finds, as the Agency suggests, that "the proposed revision is reasonable and further achieves the regulatory consistency originally intended, with no detriment to the Metro-East air quality".

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

9) A Complete Description of the Subjects and Issues Involved:

This rulemaking is explained in detail in the Board's Opinion and Order in R95-10, available free of charge from the Clerk of the Board at the address listed in item 12, below. The Board took emergency action upon the February 14, 1994 motion of the Illinois Environmental Protection Agency (Agency). The Agency made its motion upon written requests it received from the Amoco Oil Co., the Illinois Petroleum Council, Marathon Oil Co., Phillips 66 Co., and Shell Oil Co.

The emergency rule postpones the compliance date for the maximum gasoline RVP rule (7.2 psi) as it applies to facilities other than retail and wholesale-consumer, from May 1, 1995 to June 1, 1995.

10) Are there any other proposed amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
219.204	Amend	18 Ill. Reg. 15274 October 14, 1994
219.205	Amend	18 Ill. Reg. 15274 October 14, 1994
219.207	Amend	18 Ill. Reg. 15274 October 14, 1994
219.208	Amend	18 Ill. Reg. 15274 October 14, 1994
219.210	Amend	18 Ill. Reg. 15274 October 14, 1994
219.212	New	18 Ill. Reg. 15274 October 14, 1994
219.213	New	18 Ill. Reg. 15274 October 14, 1994
219.214	New	18 Ill. Reg. 15274 October 14, 1994
219.405	Amend	18 Ill. Reg. 17124 December 2, 1994
219.406	New	18 Ill. Reg. 17124 December 2, 1994
219.407	New	18 Ill. Reg. 17124 December 2, 1994
219.408	New	18 Ill. Reg. 17124 December 2, 1994
219.409	New	18 Ill. Reg. 17124 December 2, 1994
219.410	New	18 Ill. Reg. 17124 December 2, 1994
219.411	New	18 Ill. Reg. 17124

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

219.412	New	18 Ill. Reg. 17124 December 2, 1994
219.431	New	18 Ill. Reg. 15274 October 14, 1994
219.432	New	18 Ill. Reg. 15274 October 14, 1994
219.433	New	18 Ill. Reg. 15274 October 14, 1994
219.434	New	18 Ill. Reg. 15274 October 14, 1994
219.435	New	18 Ill. Reg. 15274 October 14, 1994
219.436	New	18 Ill. Reg. 15274 October 14, 1994
219.480	Amend	18 Ill. Reg. 15274 October 14, 1994
219.500	New	18 Ill. Reg. 17844 December 16, 1994
219.501	New	18 Ill. Reg. 17844 December 16, 1994
219.502	New	18 Ill. Reg. 17844 December 16, 1994
219.503	New	18 Ill. Reg. 17844 December 16, 1994
219.504	New	18 Ill. Reg. 17844 December 16, 1994
219.505	New	18 Ill. Reg. 17844 December 16, 1994
219.506	New	18 Ill. Reg. 17844 December 16, 1994
219.686	Amend	18 Ill. Reg. 15211 October 14, 1994
219.720	New	18 Ill. Reg. 15274 October 14, 1994
219.722	New	18 Ill. Reg. 15274 October 14, 1994
219.726	New	18 Ill. Reg. 15274 October 14, 1994
219.727	New	18 Ill. Reg. 15274 October 14, 1994
219.728	New	18 Ill. Reg. 15274 October 14, 1994
219.729	New	18 Ill. Reg. 15274 October 14, 1994
219.730	New	18 Ill. Reg. 15274 October 14, 1994
219.780	New	18 Ill. Reg. 17390

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

219.782	New	December 9, 1994
		18 Ill. Reg. 17390
219.784	New	December 9, 1994
		18 Ill. Reg. 17390
219.786	New	December 9, 1994
		18 Ill. Reg. 17390
219.787	New	December 9, 1994
		18 Ill. Reg. 17390
219.788	New	December 9, 1994
		18 Ill. Reg. 17390
219.789	New	December 9, 1994
		18 Ill. Reg. 17390
219.790	New	December 9, 1994
		18 Ill. Reg. 17390
219.791	New	December 9, 1994
		18 Ill. Reg. 17390
219.792	New	December 9, 1994
		18 Ill. Reg. 17390
219.920	Amend	December 9, 1994
		18 Ill. Reg. 9272
219.926	Amend	June 24, 1994
		18 Ill. Reg. 15274
219.940	Amend	October 14, 1994
		18 Ill. Reg. 9272
219.946	Amend	June 24, 1994
		18 Ill. Reg. 15274
219.960	Amend	October 14, 1994
		18 Ill. Reg. 9272
219.966	Amend	June 24, 1994
		18 Ill. Reg. 15274
219.980	Amend	October 14, 1994
		18 Ill. Reg. 9272
219.986	Amend	June 24, 1994
		18 Ill. Reg. 15274
219.986	Amend	October 14, 1994
		18 Ill. Reg. 15274
219. Appendix G	New	October 14, 1994
		18 Ill. Reg. 15274
219. Appendix H	New	October 14, 1994
		18 Ill. Reg. 15274

11) Statement of Statewide Policy Objectives:

These emergency amendments do not create or enlarge a state mandate as defined in Section 3(a) of the State Mandates Act [30 ILCS 805/3(a)].

12) Information and questions regarding this emergency amendment shall be

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

directed to:

For copies of the Board's opinion, please reference Docket R95-10 and direct questions to:

Name: Dorothy Gunn, Clerk

Address: Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, IL 60601

Phone: 312/814-3629

Please direct substantive questions concerning the rule to Kathleen Crowley, 312/814-6929 at the address above, or to:

Name: Rachel L. Doctors

Address: Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

Phone: 217/524-3333

The full text of the emergency amendments begins on the next page:

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 219

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

SUBPART A: GENERAL PROVISIONS

Section	
219.100	Introduction
219.101	Savings Clause
219.102	Abbreviations and Conversion Factors
219.103	Applicability
219.104	Definitions
219.105	Test Methods and Procedures
219.106	Compliance Dates
219.107	Operation of Afterburners
219.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
219.109	Vapor Pressure of Volatile Organic Liquids
219.110	Vapor Pressure of Organic Material or Solvents
219.111	Vapor Pressure of Volatile Organic Material
219.112	Incorporations by Reference
219.113	Monitoring for Negligibly-Reactive Compounds

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	
219.119	Applicability for VOL
219.120	Control Requirements for Storage Containers of VOL
219.121	Storage Containers of VPL
219.122	Loading Operations
219.123	Petroleum Liquid Storage Tanks
219.124	External Floating Roofs
219.125	Compliance Dates
219.126	Compliance Plan (Repealed)
219.127	Testing VOL Operations
219.128	Monitoring VOL Operations
219.129	Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
219.141	Separation Operations

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

Pumps and Compressors

219.142	
219.143	Vapor Blowdown
219.144	Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section	
219.181	Solvent Cleaning in General
219.182	Cold Cleaning
219.183	Open Top Vapor Degreasing
219.184	ConveyORIZED Degreasing
219.185	Compliance Schedule (Repealed)
219.186	Test Methods

SUBPART F: COATING OPERATIONS

Section	
219.204	Emission Limitations
219.205	Daily-Weighted Average Limitations
219.206	Solids Basis Calculation
219.207	Alternative Emission Limitations
219.208	Exemptions from Emission Limitations
219.209	Exemption from General Rule on Use of Organic Material
219.210	Compliance Schedule
219.211	Recordkeeping and Reporting

SUBPART G: USE OF ORGANIC MATERIAL

Section	
219.301	Use of Organic Material
219.302	Alternative Standard
219.303	Fuel Combustion Emission Units
219.304	Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section	
219.401	Flexographic and Rotogravure Printing
219.402	Applicability
219.403	Compliance Schedule
219.404	Recordkeeping and Reporting
219.405	Heatset-Web-Offset Lithographic Printing

SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER
MANUFACTURING PLANT

Section	
219.421	General Requirements

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

219.422 Inspection Program Plan for Leaks
 219.423 Inspection Program for Leaks
 219.424 Repairing Leaks
 219.425 Recordkeeping for Leaks
 219.426 Report for Leaks
 219.427 Alternative Program for Leaks
 219.428 Open-ended Valves
 219.429 Standards for Control Devices
 219.430 Compliance Date (Repealed)

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES;
ASPHALT MATERIALS

Section
 219.441 Petroleum Refinery Waste Gas Disposal
 219.442 Vacuum Producing Systems
 219.443 Wastewater (Oil/Water) Separator
 219.444 Process Unit Turnarounds
 219.445 Leaks: General Requirements
 219.446 Monitoring Program Plan for Leaks
 219.447 Monitoring Program for Leaks
 219.448 Recordkeeping for Leaks
 219.449 Reporting for Leaks
 219.450 Alternative Program for Leaks
 219.451 Sealing Device Requirements
 219.452 Compliance Schedule for Leaks
 219.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section
 219.461 Manufacture of Pneumatic Rubber Tires
 219.462 Green Tire Spraying Operations
 219.463 Alternative Emission Reduction Systems
 219.464 Emission Testing
 219.465 Compliance Dates (Repealed)
 219.466 Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section
 219.480 Applicability
 219.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
 219.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
 219.483 Material Storage and Transfer
 219.484 In-Process Tanks

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

219.485 Leaks
 219.486 Other Emission Units
 219.487 Testing
 219.488 Monitoring for Air Pollution Control Equipment
 219.489 Recordkeeping for Air Pollution Control Equipment

SUBPART V: AIR OXIDATION PROCESSES

Section
 219.520 Emission Limitations for Air Oxidation Processes
 219.521 Definitions (Repealed)
 219.522 Savings Clause
 219.523 Compliance
 219.524 Determination of Applicability
 219.525 Emission Limitations for Air Oxidation Processes (Renumbered)
 219.526 Testing and Monitoring
 219.527 Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section
 219.541 Pesticide Exception

SUBPART X: CONSTRUCTION

Section
 219.561 Architectural Coatings
 219.562 Paving Operations
 219.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section
 219.581 Bulk Gasoline Plants
 219.582 Bulk Gasoline Terminals
 219.583 Gasoline Dispensing Operations - Storage Tank Filling Operations
 219.584 Gasoline Delivery Vessels
 219.585 Gasoline Volatility Standards
 EMERGENCY
 219.586 Gasoline Dispensing Operations - Motor Vehicle Fueling Operations (Repealed)

SUBPART Z: DRY CLEANERS

Section
 219.601 Perchloroethylene Dry Cleaners
 219.602 Exemptions
 219.603 Leaks

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

- Section
- 219.920 Applicability
- 219.923 Permit Conditions
- 219.926 Control Requirements
- 219.927 Compliance Schedule
- 219.928 Testing

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

- Section
- 219.940 Applicability
- 219.943 Permit Conditions
- 219.946 Control Requirements
- 219.947 Compliance Schedule
- 219.948 Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

- Section
- 219.960 Applicability
- 219.963 Permit Conditions
- 219.966 Control Requirements
- 219.967 Compliance Schedule
- 219.968 Testing

SUBPART TT: OTHER EMISSION UNITS

- Section
- 219.980 Applicability
- 219.983 Permit Conditions
- 219.986 Control Requirements
- 219.987 Compliance Schedule
- 219.988 Testing

SUBPART UU: RECORDKEEPING AND REPORTING

- Section
- 219.990 Exempt Emission Units
- 219.991 Subject Emission Units

- APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
- APPENDIX B VOM Measurement Techniques for Capture Efficiency
- APPENDIX C Reference Test Methods For Air Oxidation Processes
- APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 219.604 Compliance Dates (Repealed)
- 219.605 Compliance Plan (Repealed)
- 219.606 Exception to Compliance Plan (Repealed)
- 219.607 Standards for Petroleum Solvent Dry Cleaners
- 219.608 Operating Practices for Petroleum Solvent Dry Cleaners
- 219.609 Program for Inspection and Repair of Leaks
- 219.610 Testing and Monitoring
- 219.611 Exemption for Petroleum Solvent Dry Cleaners
- 219.612 Compliance Dates (Repealed)
- 219.613 Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

- Section
- 219.620 Applicability
- 219.621 Exemption for Waterbase Material and Heatset- Offset Ink
- 219.623 Permit Conditions
- 219.624 Open-Top Mills, Tanks, Vats or Vessels
- 219.625 Grinding Mills
- 219.626 Storage Tanks
- 219.628 Leaks
- 219.630 Clean Up
- 219.636 Compliance Schedule
- 219.637 Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

- Section
- 219.640 Applicability
- 219.642 Emissions Limitation at Polystyrene Plants
- 219.644 Emissions Testing

SUBPART GG: MARINE TERMINALS

- Section
- 219.760 Applicability
- 219.762 Control Requirements
- 219.764 Compliance Certification
- 219.766 Leaks
- 219.768 Testing and Monitoring
- 219.770 Recordkeeping and Reporting
- 219.775 Applicability of Subpart BB (Renumbered)
- 219.777 Emissions Limitation at polystyrene Plants (Renumbered)
- 219.779 Compliance Date (Repealed)
- 219.781 Compliance Plan (Repealed)
- 219.783 Special Requirements for Compliance Plan (Repealed)
- 219.786 Emissions Testing (Renumbered)

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

APPENDIX E List of Affected Marine Terminals

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act [415 ILCS 5/10 and 28.5].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 16980, effective November 15, 1994; amended in R94-15 at 18 Ill. Reg. 16980, effective November 15, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. **3059**, effective February 28, 1995, for a maximum of 150 days.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART V: GASOLINE DISTRIBUTION

Section 219.585 Gasoline Volatility Standards
EMERGENCY

- a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) below during the regulatory control periods, which shall be June 1 to September 15 ~~for retail outlets and wholesale purchaser-consumer facilities and from May 1 to September 15 for all other facilities.~~
- b) The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 7.2 psi (49.68 kPa) during the regulatory control period in 1995 and each year thereafter.
- c) The Reid vapor pressure of ethanol blend gasolines having at least nine percent (9%) but not more than ten percent (10%) ethyl alcohol by volume of the blended mixture, shall not exceed the limitations for gasoline set forth in subsection (b) of this Section by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline immediately after blending with ethanol are prohibited from adding butane or any product that will increase the

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

- d) Reid vapor pressure of the blended gasoline.
All sampling of gasoline required pursuant to the provisions of this Section shall be conducted in accordance with the procedures contained in 40 CFR Part 80, Appendix D, Sampling Procedures for Fuel Volatility, which are incorporated by reference in Section 219.112 of this Part.
- e) The Reid vapor pressure of gasoline shall be measured in accordance with the procedures contained in "Tests for Determining Reid Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends" as set forth in 40 CFR 80, Appendix E, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part.
- f) The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR Part 80, Appendix F, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part.
- g) Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) of this Section must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative.
- h) Recordkeeping and reporting:
- 1) Each refiner or supplier that distributes gasoline or ethanol blends shall:
 - A) During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois complies with the Reid vapor pressure limitations set forth in 35 Ill. Adm. Code 219.585(b) and (c) of this Part. Any source receiving this gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.
 - B) Maintain records for a period of three years on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois. The Agency shall be provided with copies of such records if requested.
 - 2) Records and reports required by subsections (h)(2)(A) and (h)(2)(B) below shall be made available to the Agency upon request. During the regulatory control period, the owner or operator of a gasoline dispensing operation subject to this

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

Section shall:

- A) Retain a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard as provided in subsection (h)(1)(A) above; and
- B) Maintain records for a period of three years on the Reid vapor pressure, quantity received and date of delivery of any gasoline or ethanol blends arriving at the gasoline operation.

(Source: Emergency amendment at 19 Ill. Reg. **3059**, effective February 28, 1995, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Peremptory Action:
310.Appendix A, Table G Amended
310.Appendix A, Table U Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking:
Section 2 of the Illinois Administrative Procedures Act (Ill. Rev. Stat. 1991, ch. 127, par. 1002) [5 ILCS 100/1-1]
- 5) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, par. 1607 [20 ILCS 4158a(2)]
- 6) Effective Date: February 17, 1995
- 7) A Complete Description of the Subjects and Issues Involved:
In Section 310.Table G, the recently negotiated three-year contract for the Automotive Mechanics (RC-045) reflect increases of 2.75% for July 1, 1994, 3% for July 1, 1995, and 3.25% for July 1, 1996.
Also, the Automotive Parts Warehouse I title was abolished, effective January 1, 1995. The Small Engine Mechanic's salary is to be at parity with the Automotive Mechanic Helper's salary, effective February 1, 1995.
In Section 310.Table U, the compensation for each of the extracurricular activities for the Educators will be increased by 3% for each year of the three-year contract beginning with August, 1994 through August, 1996.

8) Does this rulemaking contain an automatic repeal date? No

9) Date Filed in Agency's Principal Office:

10) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.

11) Are there any proposed amendments pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.230	Amended	18 Ill. Reg. 16490 (November 14, 1994)
310.Appendix A, Table L	Amended	19 Ill. Reg. 764 (January 27, 1995)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PEREMPTORY AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

12) Statement of Statewide Policy Objectives:

These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

13) Information and questions regarding this adopted amendment shall be directed to:

Within 45 days, comments should be written and addressed to:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217)782-5601

The full text of the Peremptory amendment begins on the next page:

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20
310.30
310.40
310.50
310.60
310.70
310.80
310.90
310.100
310.110
310.120
310.130
310.140
310.150

Policy and Responsibilities
Jurisdiction
Pay Schedules
Definitions
Conversion of Base Salary to Pay Period Units
Conversion of Base Salary to Daily or Hourly Equivalents
Increases in Pay
Decreases in Pay
Other Pay Provisions
Implementation of Pay Plan Changes for Fiscal Year 1995
Interpretation and Application of Pay Plan
Effective Date
Reinstitution of Within Grade Salary Increases
Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205
310.210
310.220
310.230
310.240
310.250
310.260
310.270
310.280
310.290
310.300
310.310
310.320
310.330

Introduction
Prevailing Rate
Negotiated Rate
Part-Time Daily or Hourly Special Services Rate
Hourly Rate
Member, Patient and Inmate Rate
Trainee Rate
Legislated and Contracted Rate
Designated Rate
Out-of-State or Foreign Service Rate
Educator Schedule for RC-063 and HR-010
Physician Specialist Rate
Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Senior Public Service Administrator System
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1995
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

TABLE A	Negotiated Rates of Pay HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IPPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IPPE)
TABLE Q	RC-033 (Meat Inspectors, IPPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1995
APPENDIX C	Medical Administrator Rates for Fiscal Year 1995
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1995
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Public Service Administrator Class Series Salary Schedule

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b1.08a.2) [20 ILCS 415/8a(2)].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21858, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2214, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 28, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. **3073**, effective February 17, 1995.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PEREMPTORY AMENDMENTS

Section 310. APPENDIX A Negotiated Rates of Pay

Section 310. TABLE G RC-045 (Automotive Mechanics, IPPE)

A) Departments of Central Management Services and Transportation - Northeast Region - (Cook)

	Jan-17-1993	July-17-1993
	Mo.	Mo.
Auto-&Body-Repairer	2727	2863
Automotive-Attendant	1500	1659
Automotive-Mechanic	2727	2863
Automotive-Mechanic's Helper	2523	2649
Automotive-Parts Warehouse-I	2559	2687
Automotive-Parts Warehouse-II	2617	2748
*Storekeeper-I	2567	2695
*Storekeeper-II	2619	2750

July 1, 1994

	Mo.
Auto & Body Repairer	2942
Automotive Attendant	1705
Automotive Mechanic	2942
Automotive Mechanic's Helper	2722
Automotive Parts Warehouse I	2761
Automotive Parts Warehouse II	2824
*Storekeeper I	2769
*Storekeeper II	2826

January 1, 1995

	Mo.
Auto & Body Repairer	3030
Automotive Attendant	1756
Automotive Mechanic	3030
Automotive Mechanic's Helper	2804
Automotive Parts Warehouse-I	2909
Automotive Parts Warehouse-II	2852
*Storekeeper I	2769
*Storekeeper II	2826

* Serving as Automotive Parts Warehouseurs in Cook County.

B) Departments of Agriculture, Central Management Services, Conservation, Corrections and Transportation - (All Other Counties Except Cook)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PEREMPTORY AMENDMENTS

Section 310. APPENDIX A Negotiated Rates of Pay

Section 310. TABLE G RC-045 (Automotive Mechanics, IPPE)

A) Departments of Central Management Services and Transportation - Northeast Region - (Cook)

	Jan-17-1993	July-17-1993
	Mo.	Mo.
Auto-&Body-Repairer	2699	2834
Automotive-Attendant	1500	1659
Automotive-Mechanic	2699	2834
Automotive-Mechanic's Helper	2401	2521
Automotive-Parts Warehouse-I	2408	2528
Automotive-Parts Warehouse-II	2612	2743
Automotive-Parts Warehouse-III	2670	2804
Small-Engine-Mechanic	2308	2423

July 1, 1994

	Mo.
Auto & Body Repairer	2913
Automotive Attendant	1705
Automotive Mechanic	2913
Automotive Mechanic's Helper	2590
Automotive Parts Warehouse I	2598
Automotive Parts Warehouse II	2818
Automotive Parts Warehouse III	2881
Small Engine Mechanic	2490

January 1, 1995

	Mo.
Auto & Body Repairer	2913
Automotive Attendant	1705
Automotive Mechanic	2913
Automotive Mechanic's Helper	2590
Automotive Parts Warehouse I	2818
Automotive Parts Warehouse II	2881
Automotive Parts Warehouse III	2490

February 1, 1995

	Mo.
Auto & Body Repairer	2913
Automotive Attendant	1705
Automotive Mechanic	2913
Automotive Mechanic's Helper	2590
Automotive Parts Warehouse-I	2818
Automotive Parts Warehouse-II	2881
Automotive Parts Warehouse-III	2490

* Serving as Automotive Parts Warehouseurs in Cook County.

B) Departments of Agriculture, Central Management Services, Conservation, Corrections and Transportation - (All Other Counties Except Cook)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

houser III 2590 2668 2755
Small Engine Mechanic

(Source: Peremptory amendment at 19 Ill. Reg. **9073**, effective February 17, 1995)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)

effective--School-Year-1991-1992

CLASSIFICATION-I

High-School-Head-Coaches: 1898
Volleyball-(1) 1898
Football-(1) 1898
Wrestling-(1) 1898
Basketball---Boys-(1) 1898
Basketball---Girls-(1) 1898

Other-Activities:

Senior-Class-Sponsors-(2) 1898
Junior-Class-Sponsors-(2) 1898

CLASSIFICATION-II

High-School-Head-Coaches: 1198
Track---Boys-(1) 1198
Track---Girls-(1) 1198

High-School-Assistant-Coaches:

Volleyball-(1) 1198
Football-(2) 1198
Wrestling-(1) 1198
Basketball---Boys-(1) 1198
Basketball---Girls-(1) 1198

Junior-High-Head-Coaches:

Basketball-(2) 1198
Wrestling-(1) 1198
Volleyball-(1) 1198
Track---Boys-(1) 1198
Track---Girls-(1) 1198

Cheerleader-Sponsors:

High-School-Basketball--6--Football 17198
(2)

CLASSIFICATION-III

High-School-Assistant-Coaches: 754
Track---Boys-(1) 754
Track---Girls-(1)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Cheerleader-Sponsors: 754
 Junior-High-Basketball-(2)
 Junior-High-Assistant-Coaches:
 Volleyball-(1)
 Wrestling-(1)
 Track---Boys-(1)
 Track---Girls-(1)
 CLASSIFICATION-IV
 Other-Activities:
 G-A-B-S--(2)
 Junior-Mad-(2)
 4-H-Club-(2)
 Vocational-Club-(2)
 Creative-Club-(2)
 Dance-Club-(2)
 CLASSIFICATION-V
 Other-Activities:
 Student-Council-(1)
 Public-Speaking-(2)
 ABE-Reading-(1)
 Illinois-Advance-(4)
 Interpreters-(4)
 Special-Olympics-(1)
 Brownies-(1)
 Cub-Scouts-(1)
 Girl-Scouts-(1)
 Boy-Scouts-(1)

Scorekeepers-And-Timers:
 Basketball-Football-and-Wrestling
 Volleyball
 Ticket-Sellers-and-Bakers

August 1, 1994	August 1, 1995	August 1, 1996
Mo.	Mo.	Mo.
2144	2208	2274
2144	2208	2274
2144	2208	2274
2144	2208	2274

CLASSIFICATION I

High School Head Coaches:
 Basketball - Boys (1)
 Basketball - Girls (1)
 Football (1)
 Volleyball (1)
 Wrestling (1)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Junior Class Advisor (2) 2144 2208 2274
 Senior Class Advisor (2) 2144 2208 2274
 CLASSIFICATION II
 High School Coaches:
 Track - Boys (1) 1352 1393 1435
 Track - Girls (1) 1352 1393 1435
 High School Assistant Coaches:
 Basketball - Boys (1) 1352 1393 1435
 Basketball - Girls (1) 1352 1393 1435
 Football (2) 1352 1393 1435
 Volleyball (1) 1352 1393 1435
 Wrestling (1) 1352 1393 1435
 Junior High Coaches:
 7th Grade Basketball - Boys (1) 1352 1393 1435
 8th Grade Basketball - Boys (1) 1352 1393 1435
 7th Grade Basketball - Girls (1) 1352 1393 1435
 8th Grade Basketball - Girls (1) 1352 1393 1435
 Track - Boys (1) 1352 1393 1435
 Track - Girls (1) 1352 1393 1435
 Volleyball (1) 1352 1393 1435
 Wrestling (1) 1352 1393 1435
 Cheerleader Sponsors:
 High School Basketball (2) 1352 1393 1435

CLASSIFICATION III

High School Assistant Coaches:
 Track - Boys (1) 852 878 904
 Track - Girls (1) 852 878 904
 Junior High Assistant Coaches:
 Track - Boys (1) 852 878 904
 Track - Girls (1) 852 878 904
 Volleyball (1) 852 878 904
 Wrestling (1) 852 878 904
 Football Cheerleading Sponsor (2) 852 878 904

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

High School Yearbook Advisor (1)	852	878	904
High School Lunchroom Supervisor (2)	852	878	904
Junior High School Cheerleading Sponsor (2)	852	878	904
Junior High School Lunchroom Supervisor (1)	852	878	904
CLASSIFICATION IV			
K - 5 Dance/Drama Club Advisor (1)	647	666	686
6 - 8 Dance/Drama Club Advisor (1)	647	666	686
G.A.L.S. Advisor (2)	647	666	686
High School (Jr.) NAD/IAD Advisor (2)	647	666	686
Junior High School (Jr.) NAD/IAD Advisor (1)	647	666	686
Vocation Club Advisor (2)	647	666	686
CLASSIFICATION V			
ABC Reading Advisor (1)	500	515	530
Brownie Leader (1)	500	515	530
Cub Scout Leader (1)	500	515	530
Elementary Sign Class (2)	500	515	530
Girl Scout Leader (1)	500	515	530
Illinois Advance #1 Position (4)	500	515	530
Illinois Advance #2 Position (4)	500	515	530
Illinois Advance #3 Position (4)	500	515	530
Illinois Advance #4 Position (4)	500	515	530
Public Speaking Advisor (2)	500	515	530
Science Club (1)	500	515	530
Special Olympics Coach (1)	500	515	530
Student Council Advisor (1)	500	515	530

SCOREKEEPERS AND TIMERS:

Basketball	30 per event	31 per event	32 per event
Football	30 per event	31 per event	32 per event
Volleyball	25 per event	26 per event	27 per event
Wrestling	30 per event	31 per event	32 per event

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TICKET SELLERS	20 per event	21 per event	22 per event
(Source: Peremptory amendment at 19 Ill. Reg. <u>3078</u> , effective February 17, 1995)			

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF REFUSAL

TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part:

Health Facilities Planning Procedural Rules

2) Code Citation:

77 Ill. Adm. Code 1130

3) Section Numbers:

1130.140 Refusal

4) Date Notice of Proposed Rules Published in the Illinois Register

June 17, 1994 (18 Ill. Reg. 8867)

5) Date JCAR Statement of Objection Published in the Illinois Register

December 2, 1994 (18 Ill. Reg. 17288)

6) Summary of Action Taken by the Agency:

The Department of Public Health/Health Facilities Planning Board refuses to modify or withdraw Section 1130.140 in response to the objection of the Joint Committee on Administrative Rules. The State Board believes that statutory authority does exist both under the Illinois Health Facilities Planning Act ("the Act") and the Illinois Administrative Procedure Act authorizing and mandating the State Board to define as well as "redefine" these two statutory terms, for the following reasons:

- a. The Illinois Health Facilities Planning Act does not define either the term "discontinuation" nor "substantially changes the scope or changes the functional operation of the facility;"
- b. The Illinois Administrative Procedure Act requires agencies to promulgate as a rule any "agency statement of general applicability that implements, applies, interprets, or prescribes law or policy..." (5 ILCS 100/1-70);
- c. The substance of both existing rules defining "discontinuation" and "substantially changes the scope or changes the functional operation of the facility" constitutes State Board statements which are of general applicability and which implement, apply, interpret and prescribed State Board policy;
- d. The substance of the proposed amendments to these existing rules similarly constitutes State Board statements which are of general

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF REFUSAL

TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

applicability and which implement, apply, interpret and prescribe State Board policy;

e. The Health Facilities Planning Act requires the promulgation of rules, criteria and procedures" which may vary according to the purpose for which a particular review is being conducted or the type of project reviewed and which are required to carry out the provisions and purposes of the Act" (20 ILCS 3960/12(1)); and Section 2 of the Act states as the purpose of the legislation "to establish a procedure designed to reverse the trends of increasing costs of health care resulting from unnecessary construction or modification of health care facilities" (20 ILCS 3960/2); and,

f. Again the State Board believes that neither JCAR nor its staff found the existing rules defining "discontinuation" or "substantially changes the scope or changes the functional operation of the facility" to be objectionable or otherwise without statutory authority at the time of promulgation; nor has JCAR staff raised concern or expressed any question with regard to the State Board's statutory authority to amend the existing rules defining these two terms.

COMMISSIONER BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF PUBLIC MEETING

Notice is hereby given that the State Banking Board of Illinois and the Board of Trustees of the Illinois Bank Examiners' Education Foundation will hold their regularly scheduled meetings on Tuesday, March 21, 1995, at the Office of the Illinois Commissioner of Banks and Trust Companies, 310 South Michigan, Suite 2130, Chicago, Illinois. The meeting of the Board of Trustees of the Illinois Bank Examiners' Education Foundation will begin at 9:30 a.m. The meeting of the State Banking Board of Illinois will begin at 10:30 a.m. The meeting will be open to the public in accordance with the Open Meetings Act, 5 ILCS 120/1-120/6 (1992) [Ill. Rev. Stat. ch. 120, par. 41 (1991)].

This meeting will be accessible to handicapped individuals in compliance with Executive Order #5 and pertinent state and federal laws upon notification of anticipated attendance. Handicapped persons planning to attend and needing special accommodations should contact, either by telephone or by letter, Debra Rath, 500 East Monroe, Springfield, Illinois 62701 or (217)785-2837 to inform of their anticipated attendance.

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 13.3 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1013.3 [415 ILCS 5/13.3]) requires the Board to adopt regulations that are "identical in substance" to USEPA pretreatment regulation adopted pursuant to Section 307 and 402 of the Clean Water Act. These rules are contained in 35 Ill. Adm. Code 307.

On February 16, 1995, in R94-10, the Pollution Control Board entered the following order pursuant to Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1007.2(b) [415 ILCS 5/7.2(b)]: Pretreatment Update (July 1, 1993 through December 31, 1993):

Section 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/13.3 (1992)) requires the Board to adopt regulations which are "identical in substance" with U.S. EPA wastewater pretreatment rules adopted pursuant to Sections 307(b), 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal Water Pollution Control Act (Clean Water Act), as amended. The term "identical in substance" has recently been defined in Section 7.2 of the Act. Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons. It appears that the regulations in this Docket will be late. The Board is therefore entering this order to extend the time.

The Board hereby finds that an extension of time is necessary. The presently-anticipated completion date for this proceeding is June 16, 1995. The reasons for delay in adopting these regulations are changes in staff and the amount of staff time devoted to other proceedings subject to a statutory deadline, did not allow the fuller attention that this matter required for more timely disposition.

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Children and Family Services

Relative Home Placement (89 Ill Adm Code 335)
-First Notice Published: 18 Ill Reg 16892 - 11/28/94
-Expiration of Second Notice Period: 4/1/95

Department of Children and Family Services Employee Conflict of Interest (89 Ill Adm Code 437)
-First Notice Published: 18 Ill Reg 7597 - 5/20/94
-Expiration of Second Notice Period: 3/26/95

Commerce Commission

Repeat of Least-Cost Planning for Natural Gas Utilities (83 Ill Adm Code 535)
-First Notice Published: 18 Ill Reg 6081 - 4/22/94
-Expiration of Second Notice Period: 3/17/95

Conservation

Commercial Fishing and Musseling in Certain Waters of the State (17 Ill Adm Code 830)
-First Notice Published: 18 Ill Reg 17946 - 12/23/94
-Expiration of Second Notice Period: 3/25/95

Mental Health and Developmental Disabilities

Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers (59 Ill Adm Code 258)
-First Notice Published: 18 Ill Reg 8795 - 6/17/94
-Expiration of Second Notice Period: 3/14/95

Pollution Control Board

Definitions and General Provisions (35 Ill Adm Code 211) (R94-1)
-First Notice Published: 18 Ill Reg 15192 - 10/14/94
-Expiration of Second Notice Period: 3/22/95

Definitions and General Provisions (35 Ill Adm Code 211)
-First Notice Published: 18 Ill Reg 17355 - 12/9/94
-Expiration of Second Notice Period: 4/7/95

Definitions and General Provisions (35 Ill Adm Code 211) (R94-31)
-First Notice Published: 18 Ill Reg 17071 - 12/2/94
-Expiration of Second Notice Period: 4/12/95

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

STRATTON OFFICE BUILDING
ROOM D-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MARCH 14, 1995

NOTICES: Due to Register submittal deadlines, the Agenda below is incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at its January meeting.

It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Aging

Older Americans Act Programs (89 Ill Adm Code 230)
-First Notice Published: 18 Ill Reg 17789 - 12/16/94
-Expiration of Second Notice Period: 4/1/95

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Organic Material Emission Standards and Limitations for the Chicago Area
(35 Ill Adm Code 218) (R94-1)

- First Notice Published: 18 Ill Reg 15211 - 10/14/94
- Expiration of Second Notice Period: 3/22/95

Organic Material Emission Standards and Limitations for the Chicago Area
(35 Ill Adm Code 218)

- First Notice Published: 18 Ill Reg 17372 - 12/9/94
- Expiration of Second Notice Period: 4/7/95

Organic Material Emission Standards and Limitations for the Chicago Area
(35 Ill Adm Code 218) (R94-31)

- First Notice Published: 18 Ill Reg 17084 - 12/2/94
- Expiration of Second Notice Period: 4/12/95

Organic Material Emission Standards and Limitations for the Metro East
Area (35 Ill Adm Code 219) (R94-1)

- First Notice Published: 18 Ill Reg 15274 - 10/14/91
- Expiration of Second Notice Period: 3/22/95

Organic Material Emission Standards and Limitations for the Metro East
Area (35 Ill Adm Code 219)

- First Notice Published: 18 Ill Reg 17390 - 12/9/94
- Expiration of Second Notice Period: 4/7/95

Organic Material Emission Standards and Limitations for the Metro East
Area (35 Ill Adm Code 219)

- First Notice Published: 18 Ill Reg 17124 - 12/2/94
- Expiration of Second Notice Period: 4/12/95

Public Aid

Aid to Families with Dependent Children (89 Ill Adm Code 112)

- First Notice Published: 18 Ill Reg 15495 - 10/21/94
- Expiration of Second Notice Period: 3/14/95

Food Stamps (89 Ill Adm Code 121)

- First Notice Published: 18 Ill Reg 15510 - 10/21/94
- Expiration of Second Notice Period: 4/7/95

Medical Payment (89 Ill Adm Code 140)

- First Notice Published: 18 Ill Reg 17865 - 12/16/94
- Expiration of Second Notice Period: 3/30/95

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Racing Board

Pick (N) Pools (11 Ill Adm Code 308)

- First Notice Published: 18 Ill Reg 17429 - 12/9/94
- Expiration of Second Notice Period: 3/15/95

Licensing (11 Ill Adm Code 502)

- First Notice Published: 18 Ill Reg 17424 - 12/9/94
- Expiration of Second Notice Period: 3/15/95

Rehabilitation Services

Services (89 Ill Adm Code 590)

- First Notice Published: 18 Ill Reg 16275 - 11/4/94
- Expiration of Second Notice Period: 3/31/95

Repeal of Program Description (89 Ill Adm Code 675)

- First Notice Published: 18 Ill Reg 16210 - 11/4/94
- Expiration of Second Notice Period: 3/22/95

Program Description (89 Ill Adm Code 676)

- First Notice Published: 18 Ill Reg 16219 - 11/4/94
- Expiration of Second Notice Period: 3/22/95

Customer Rights and Responsibilities (89 Ill Adm Code 677)

- First Notice Published: 18 Ill Reg 16015 - 11/4/94
- Expiration of Second Notice Period: 3/22/95

Repeal of Client Rights (89 Ill Adm Code 678)

- First Notice Published: 18 Ill Reg 16099 - 11/4/94
- Expiration of Second Notice Period: 3/22/95

Determination of Need (DON) and Resulting Service Cost Maximums (SCMs) (89 Ill Adm Code 679)

- First Notice Published: 18 Ill Reg 16111 - 11/4/94
- Expiration of Second Notice Period: 3/22/95

Repeal of Client Responsibilities (89 Ill Adm Code 680)

- First Notice Published: 18 Ill Reg 16095 - 11/4/94
- Expiration of Second Notice Period: 3/22/95

Prescreening (89 Ill Adm Code 681)

- First Notice Published: 18 Ill Reg 16199 - 11/4/94
- Expiration of Second Notice Period: 3/22/95

Eligibility (89 Ill Adm Code 682)

- First Notice Published: 18 Ill Reg 16121 - 11/4/94

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE PURSUANT TO 415 ILCS 5 7.2(b)

- Expiration of Second Notice Period: 3/22/95
- Repeal of Application Process (89 Ill Adm Code 683)
 - First Notice Published: 18 Ill Reg 16080 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Service Planning and Provisions (89 Ill Adm Code 684)
 - First Notice Published: 18 Ill Reg 16264 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Repeal of Non-Financial Eligibility Criteria (89 Ill Adm Code 685)
 - First Notice Published: 18 Ill Reg 16163 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Provider Requirements, Type Services, and Rates of Payment (89 Ill Adm Code 686)
 - First Notice Published: 18 Ill Reg 16228 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Repeal of Financial Eligibility Criteria (89 Ill Adm Code 687)
 - First Notice Published: 18 Ill Reg 16129 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Repeal of Prescreening and Eligibility Determination Processes (89 Ill Adm Code 690)
 - First Notice Published: 18 Ill Reg 16204 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Repeal of Disposition of Application (89 Ill Adm Code 693)
 - First Notice Published: 18 Ill Reg 16117 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Repeal of Service Provision (89 Ill Adm Code 695)
 - First Notice Published: 18 Ill Reg 16270 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Repeal of Redetermination of Eligibility (89 Ill Adm Code 698)
 - First Notice Published: 18 Ill Reg 16249 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Repeal of Service Plan Development (89 Ill Adm Code 700)
 - First Notice Published: 18 Ill Reg 16253 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Repeal of Case Closures (89 Ill Adm Code 705)
 - First Notice Published: 18 Ill Reg 16085 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

- Repeal of Case Transfers/Referrals (89 Ill Adm Code 708)
 - First Notice Published: 18 Ill Reg 16091 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Repeal of Case Records (89 Ill Adm Code 710)
 - First Notice Published: 18 Ill Reg 16088 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Repeal of Homemaker Rate Agreements (89 Ill Adm Code 712)
 - First Notice Published: 18 Ill Reg 16143 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Repeal of Non-Homemaker Service Provider Requirements (89 Ill Adm Code 714)
 - First Notice Published: 18 Ill Reg 16187 - 11/4/94
 - Expiration of Second Notice Period: 3/22/95
- Revenue
 - Income Tax (86 Ill Adm Code 100)
 - First Notice Published: 18 Ill Reg 16277 - 11/4/94
 - Expiration of Second Notice Period: 3/15/95
- Secretary of State
 - Procedures and Standards (92 Ill Adm Code 1001)
 - First Notice Published: 19 Ill Reg 34 - 1/6/95
 - Expiration of Second Notice Period: 4/9/95
- Emergency and Peremptory Rulemakings**
 - Agriculture
 - Meat And Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)
 - Notice Published: 19 Ill Reg 1342 - 2/10/95
 - Central Management Services
 - Pay Plan (80 Ill Adm Code 310) (Peremptory)
 - Notice Published: 19 Ill Reg 2481 - 3/3/95
 - Health Facilities Planning Board
 - Narrative and Planning Policies (77 Ill Adm Code 1100) (Emergency)
 - Notice Published: 19 Ill Reg 1941 - 2/17/95
 - Housing Development Authority

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Affordable Housing Bond Program - Single Family (47 Ill Adm Code 366)
(Emergency)

-Notice Published: 19 Ill Reg 1921 - 2/17/95

Revenue

Property Tax Code (86 Ill Adm Code 110)

-Notice Published: 19 Ill Reg 2746 - 3/3/95

Agency ResponseCentral Management Services

Pay Plan (80 Ill Adm Code 310)

-First Published: 8/5/94

-Recommendation Date: 11/15/94

-Response: Agreement

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 21, 1995 through February 27, 1995, and have been scheduled for review by the Committee at its March 14, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
3/15/95	Department of Revenue, Income Tax (86 Ill Adm Code 100) Note: In the issue of this Register, JCAR mistakenly listed a 2nd Notice for "Service Occupation Tax" (86 Ill Adm Code 140) (18 Ill Reg 16291) when it should have listed the Part 100 rulemaking above. No 2nd Notice has been received to date for the Part 140 rulemaking.	11/4/94 18 Ill Reg 16277	3/14/95
4/7/95	Department of Public Aid, Food Stamps (89 Ill Adm Code 121)	10/21/94 18 Ill Reg 15510	3/14/95
4/7/95	Pollution Control Board, Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill Adm Code 219)	12/9/94 18 Ill Reg 17390	3/14/95
4/7/95	Pollution Control Board, Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill Adm Code 218)	12/9/94 18 Ill Reg 17372	3/14/95
4/7/95	Pollution Control Board, Definitions and General Provisions (35 Ill Adm Code 211)	12/9/94 18 Ill Reg 17355	3/14/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/9/95	Secretary of State, Procedures and Standards (92 Ill Adm Code 1001)	1/6/95 19 Ill Reg 34	3/14/95
4/12/95	Pollution Control Board, Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill Adm Code 218)	12/2/94 18 Ill Reg 17084	3/14/95
4/12/95	Pollution Control Board, Definitions and General Provisions (35 Ill Adm Code 211)	12/2/94 18 Ill Reg 17071	3/14/95
4/12/95	Pollution Control Board, Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill Adm Code 219)	12/2/94 18 Ill Reg 17124	3/14/95

PROCLAMATIONS

95-074
BANGLADESH DAY

Whereas, Illinois is home to several thousand Bangladeshi emigrants; and
Whereas, the Bangladeshi community is part of the rich ethnic background of Illinois; and
Whereas, the Bangladesh Association of Chicagoand (BAC) was founded in 1980 to enhance Bangladeshi culture, to assist Bangladeshi emigrants, students, and visitors, in becoming familiar with the American way of life, and to develop and promote friendship and relationships among its members, the community, and other organizations; and
Whereas, the Independence Day of Bangladesh will be celebrated in Illinois on March 26, a day which marks the country's realization of freedom in 1971 and honors those who gave their lives for freedom's cause;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 26, 1995, as BANGLADESH DAY in Illinois.
Issued by the Governor February 16, 1995.
Filed by the Secretary of State February 23, 1995.

95-075
ESTONIAN DAY

Whereas, Estonia became independent of February 24, 1918; and
Whereas, their independence lasted until the 1940s when the Soviet Union occupied Estonia; and
Whereas, Estonia regained its freedom and became an independent republic in August 1991; and
Whereas, those of Estonian heritage are exemplary American citizens who still preserve their traditions, take pride in their history of freedom, believe in human rights, and seek self-determination for their homeland; and
Whereas, Chicago enjoys one of the largest communities of Estonians in the United States today;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 24, 1995, as ESTONIAN DAY in Illinois in recognition of the 77th anniversary of Estonian independence.
Issued by the Governor February 16, 1995.
Filed by the Secretary of State February 23, 1995.

95-076
JAMES H. TROY DAY

Whereas, James H. Troy has served as Director of Program Operations for the US Equal Employment Opportunity Commission for the past 10 years; and
Whereas, the Illinois Department of Human Rights (IDHR) has maintained a contractual work-sharing relationship with the US Equal Employment Opportunity Commission for which James Troy was administratively responsible; and
Whereas, during the past 10 years, James Troy has worked tirelessly and unselfishly with all 706 state and local agencies and with the Illinois Department of Human Rights in particular. He has been sensitive to the unique needs of IDHR and the citizens of Illinois and has given unwavering support in the pursuit of equality in employment opportunities for all Illinois citizens;

and Whereas, under his direction, the State of Illinois, along with other state and local agencies throughout the nation, joined forces with the Equal Employment Opportunity Commission to form a partnership mandated to combat the vestiges of discrimination in employment; and

Whereas, James Troy will be leaving the position of Director of Program Operations on February 13, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 24, 1995, as JAMES H. TROY DAY in Illinois in recognition of his 10 years of dedicated, loyal, and diligent service to the Equal Employment Opportunity Commission and to the State of Illinois which has helped promote the excellent relationship the two entities currently enjoy.

Issued by the Governor February 16, 1995.

Filed by the Secretary of State February 23, 1995.

95-077

MOUNT SINAI PARENTING INSTITUTE DAY

Whereas, Mount Sinai Hospital is a non-profit hospital established in 1919; and

Whereas, Mount Sinai is the major provider of health care and community services for the west side of Chicago; and

Whereas, this year's MidWinter Gala '95, sponsored by the African-American community, will be held on Saturday, February 25, at the Chicago Marriott; and

Whereas, the theme this year is "The Family Matters"; and

Whereas, the beneficiary of MidWinter Gala '95 is The Parenting Institute. The institute was created to serve the North Lawndale and the entire Chicago Metropolitan area; and

Whereas, The Parenting Institute: The Family Matters awards will be presented to seven parents who have successfully made a difference in the lives of their children; and

Whereas, The Parenting Institute's goal is to provide parents with skills, knowledge, and resources they need to rear children in our complex society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 25, 1995, as MOUNT SINAI PARENTING INSTITUTE DAY in Illinois.

Issued by the Governor February 17, 1995.

Filed by the Secretary of State February 23, 1995.

95-078

CHICAGO LATINO FILM FESTIVAL DAYS

Whereas, the 11th annual Chicago Latino Film Festival will be held March 24-April 3; and

Whereas, the festival is an 11-day celebration of Latino culture in Chicago, featuring the best in cinema from South and Latin America, the United States, Portugal, and Spain; and

Whereas, the festival celebrates the careers of three great, recently deceased actors -- Spain's Fernando Rey, Argentina's Hugo Soto, and Puerto Rico's Raul Julia; and

Whereas, an array of comedies, dramas, documentaries, animation, musicals,

and experimental programs will be screened, including a mini-retrospective of famed Brazilian director Nelson Pereira dos Santos; and

Whereas, quality Latino films can help increase cultural appreciation and contribute to a better understanding of Chicago's more than one million Hispanic residents;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 24-April 3, 1995, as CHICAGO LATINO FILM FESTIVAL DAYS in Illinois.

Issued by the Governor February 21, 1995.

Filed by the Secretary of State February 23, 1995.

95-079

CROATIAN AMERICAN DAY

Whereas, there are more than 400,000 Croatian-Americans living in the State of Illinois; and

Whereas, Croatian-Americans have played a significant part in the progress of Illinois and have proudly shared their culture, heritage, and talents with our state; and

Whereas, we are grateful for their contributions to our state and our individual lives; and

Whereas, the Croatian-American Association has worked to promote peace and has been instrumental in helping with humanitarian aid to thousands of refugees in Croatia and Bosnia; and

Whereas, the Croatian-American Association will celebrate their efforts at their annual banquet;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 4, 1995, as CROATIAN AMERICAN DAY in Illinois.

Issued by the Governor February 21, 1995.

Filed by the Secretary of State February 23, 1995.

95-080

INDUSTRIAL DISTRIBUTION DAY

Whereas, the American Supply and Machinery Manufacturers' Association and the Industrial Distribution Association have collaborated for 90 years to build the industrial distribution channel into the most efficient and cost-effective means of moving products from the manufacturer to the industrial end-user customer; and

Whereas, industrial customers benefit from total lowest costs of procurement, accurate and on-time deliveries, reliable and measurable service, top-line MROP products, local inventory, long-term partnerships, and commitment to service quality, all of which are provided by their industrial distributors; and

Whereas, the American Supply and Machinery Manufacturers' Association and the Industrial Distribution Association seek to foster a true partnership among manufacturers, distributors, and industrial end-users by cosponsoring National Manufacturing Week, the largest and most comprehensive forum for the display of industry technology in North America; and

Whereas, National Manufacturing Week is to be held at McCormick Place in Chicago on March 13-19, 1995; and

Whereas, representatives from all areas of the manufacturing industry will attend this forum, including division and corporate management, sales and

1, 1995, as ST. DAVID'S DAY in Illinois.
Issued by the Governor February 22, 1995.
Filed by the Secretary of State February 23, 1995.

marketing executives, purchasing agents, and key engineering personnel; and
Whereas, more than 2,000 exhibitors will display hundreds of new
industrial products, services, and technologies to provide manufacturing
professionals with the newest knowledge and skills; and
Whereas, educational and teaching seminars addressing issues of concern to
manufacturing industry professionals will be held in conjunction with the
Forum;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim,
March 14, 1995, as INDUSTRIAL DISTRIBUTION DAY in Illinois in recognition of
our state's preeminent role as the center of American manufacturing.
Issued by the Governor February 21, 1995.
Filed by the Secretary of State February 23, 1995.

95-081
INTERIOR DESIGN AWARENESS MONTH

Whereas, the Illinois Chapter of the American Society of Interior
Designers (ASID) will be observing the 20th anniversary of its inception; and
Whereas, the public depends on the skills and knowledge of qualified
interior designers to create environmentally sound living spaces; and
Whereas, employers are increasingly aware that good design means good
business through increased productivity and public recognition; and
Whereas, the American Society of Interior Designers is dedicated to
creating accessible environments for all populations; and
Whereas, the American Society of Interior Designers encourages the
continuous growth of the professional through its support of secondary
education and continuing education programs;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July
1995 as INTERIOR DESIGN AWARENESS MONTH in Illinois.
Issued by the Governor February 21, 1995.
Filed by the Secretary of State February 23, 1995.

95-082
ST. DAVID'S DAY

Whereas, St. David, or Dewi Sant, is the patron saint of Wales; and
Whereas, St. David was a major figure in the Celtic Church during what has
come to be called the "Age of Saints." He is said to have been a devout
ascetic and has been credited with several miracles; and
Whereas, tradition has it that he was born circa 520, the son of Sanctus,
king of Ceredigion, an ancient kingdom in Western Wales, and a woman named
Nonnita, or Non, whose virtue was well-known in Cornwall, Devon, and Brittany,
as well as Wales. It is likely that he was also the grandson of Ceredig ap
(son of) Cunedda Wledig. Ceredig and Cunedda were both major rulers in Celtic
and Roman Britain; and
Whereas, David was said to be the uncle of King Arthur by two famous
historians, Geoffrey of Monmouth and Gerald of Wales; and
Whereas, David's heroic reputation flourished throughout the middle ages;
and
Whereas, March 1 commemorates David's death in 589, which was commemorated
in early liturgical calendars. He was officially canonized by Rome in 1123;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March

ACTION CODES

A - Adopted Rule
 AR - Adopted Repealer
 C - Notice of Corrections
 CC - Codification Changes
 E - Emergency Rule
 ER - Emergency Repealer
 M - Modification to meet JCAR*
 O - JCAR* Statement of Objections
 RQ - Request for Correction
 EC - Expedited Corrections

P - Proposed Rule
 PF - Prohibited Filing Order by JCAR*
 PP - Peremptory or Court Ordered Rules
 PR - Proposed Repealer
 R - Refusal to meet JCAR* Objection
 RC - Statement of Recommendation
 S - Suspension ordered by JCAR*
 W - Withdrawal to meet JCAR*
 MR - Modification and Refusal
 *Joint Committee on Administrative Rules

89 Ill. Adm. Code 2110 State Of Illinois Dependent Care Assistance Plan (P-774)
 80 Ill. Adm. Code 2120 State Of Illinois Medical Care Assistance Plan (P-779)
 80 Ill. Adm. Code 3000 The Travel Regulation Council (P-2093)
 80 Ill. Adm. Code 2800 Travel (P-12567/94;A-36) (P-2098)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
 89 Ill. Adm. Code 434 Audits, Reviews, And Investigations (P-8777/94;A-2760)
 89 Ill. Adm. Code 428 Department Advisory Council, Illinois Juvenile Justice Commission And Other Statewide And Regional Committees (P-561/94;A-1043)
 89 Ill. Adm. Code 406 Licensing Standards For Day Care Homes (P-2683/94;RC-2314) (P-2683/94;A-2765)
 89 Ill. Adm. Code 402 Licensing Standards For Foster Family Homes (P-8237/94;A-1801)
 89 Ill. Adm. Code 408 Licensing Standards For Group Day Care Homes (P-2700/94;A-2784)
 89 Ill. Adm. Code 302 Services Delivered By The Department (P-1372)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF
 14 Ill. Adm. Code 550 Local Tourism And Convention Bureau Program (P-14189/94;A-1808)

COMMERCE COMMISSION, ILLINOIS
 92 Ill. Adm. Code 1202 Applications (P-522)
 92 Ill. Adm. Code 1205 Fees And Taxes (P-525)
 92 Ill. Adm. Code 1536 Grade Crossing Closure & Opening (P-2550)
 83 Ill. Adm. Code 410 Standards Of Service For Electric Utilities (P-14521/94;A-2804)

COMMUNITY COLLEGE BOARD, ILLINOIS
 23 Ill. Adm. Code 1501 Administration Of The Illinois Public Community College Act (P-12575/93;A-2299) (A-2816)

COMPTROLLER MERIT COMMISSION
 80 Ill. Adm. Code 100 Merit Commission Rules (P-12585/94;A-206)

COMPTROLLER, OFFICE OF THE
 74 Ill. Adm. Code 285 Claim Eligible To Be Offset (P-12944/94;A-227)

CONSERVATION, DEPARTMENT OF
 17 Ill. Adm. Code 130 Camping On Department Of Conservation Properties (P-1378)
 17 Ill. Adm. Code 1075 Consultation Procedures For Assessing Impacts Of Agency Actions On Endangered And Threatened Species and Natural Areas (P-14259/94;A-594)
 17 Ill. Adm. Code 110 Public Use Of State Parks & Other Properties Of The Department Of Conservation (P-1387)

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON
 89 Ill. Adm. Code 240 Community Care Program (P-1363)

AGRICULTURE, DEPARTMENT OF
 8 Ill. Adm. Code 255 Agrichemical Facilities (P-1)
 8 Ill. Adm. Code 60 Bees And Apiary Act (P-754)
 8 Ill. Adm. Code 256 Lawn-care Wash Water And Rinsate Collection (P-13)
 8 Ill. Adm. Code 125 Meat And Poultry Inspection Act (PP-1342)
 8 Ill. Adm. Code 600 Weights And Measures Act (P-2356)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF
 77 Ill. Adm. Code 2090 Subacute Alcoholism And Substance Abuse Treatment Services (P-1156)

CAPITAL DEVELOPMENT BOARD
 44 Ill. Adm. Code 950 Bidder Responsibility, Prequalification And Suspension Of Contractors (P-2074) (PR-2087)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
 44 Ill. Adm. Code 5000 Acquisition, Management & Disposal Of Real Property (P-5057/94;A-585)
 80 Ill. Adm. Code 303 Conditions Of Employment (P-2524)
 80 Ill. Adm. Code 302 Merit And Fitness (P-2539)
 80 Ill. Adm. Code 310 Pay Plan (P-764) (P-14256/94;A-1024) (P-2365) (PP-2481) (PP-3073)

17 Ill. Adm. Code 810 Sport Fishing Regulations For The Waters Of Illinois (P-17297/94;A-2396)

17 Ill. Adm. Code 710 The Taking Of Wild Turkeys-Spring Season (P-16500 94;A-2450)

17 Ill. Adm. Code 670 White-Tailed Deer Hunting By Use Of Bow And Arrow (P-1393)

17 Ill. Adm. Code 650 White-Tailed Deer Hunting By Use Of Firearms (P-1414)

17 Ill. Adm. Code 660 White-Tailed Deer Hunting Season By Use Of Muzzleloading Rifles (P-1437)

CORRECTIONS, DEPARTMENT OF
20 Ill. Adm. Code 425 Chaplaincy (P-152)

EDUCATION, STATE BOARD OF
23 Ill. Adm. Code 401 Nonpublic Special Education Facilities (P-9756/94;O-2316;PF-2317)

ENVIRONMENTAL PROTECTION AGENCY
35 Ill. Adm. Code 871 General Conditions Of State Of Illinois Grants For Nonhazardous Solid Waste Planning And Enforcement (P-2103)

35 Ill. Adm. Code 372 Illinois Design Standards For Slow Rate Land Application Of Treated Wastewater (P-4524/94;A-1297)

35 Ill. Adm. Code 870 Procedures For Issuing Solid Waste Planning And Enforcement Grants (P-2144)

FARM DEVELOPMENT AUTHORITY, ILLINOIS
8 Ill. Adm. Code 1400 Illinois Farm Development Authority (P-1164)

FINANCIAL INSTITUTIONS, DEPARTMENT OF
38 Ill. Adm. Code 110 Consumer Installment Loan Act (P-14291/94;A-44)

38 Ill. Adm. Code 190 Illinois Credit Union Act (A-2826)

38 Ill. Adm. Code 160 Sales Finance Agency Act (P-14276/94;A-49)

FIRE MARSHAL, OFFICE OF THE STATE
41 Ill. Adm. Code 120 Boiler And Pressure Vessel Safety (P-2557)

41 Ill. Adm. Code 200 Storage, Transportation, Sale & Use Of Liquefied Petroleum Gases (P-2576)

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS
77 Ill. Adm. Code 2510 Data Collection (P-14533/94;A-1825) (P-2189)

HIGHER EDUCATION, BOARD OF
23 Ill. Adm. Code 1020 Health Services Education Grants Act (P-11684/94;A-928)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS
47 Ill. Adm. Code 366 Affordable Housing Bond Program-Single Family

(P-1452) (E-1921)

INDUSTRIAL COMMISSION

50 Ill. Adm. Code 7060 Judicial Review (P-16217/84;A-2496/85;RQ-292)

INSURANCE, DEPARTMENT OF

50 Ill. Adm. Code 925 Annual Audited Financial Report (P-2587)

50 Ill. Adm. Code 601 Foreign And Alien Insurer Annual Audited Financial Reports (PR-2376)

50 Ill. Adm. Code 2018 Long-Term Care Partnership Insurance (P-2203)

50 Ill. Adm. Code 3401 Summary Document, Disclaimer & Notice (P-784)

50 Ill. Adm. Code 2012 Traditional Long-Term Care Insurance (A-2832)

LABOR, DEPARTMENT OF

56 Ill. Adm. Code 350 Health And Safety (P-2603)

56 Ill. Adm. Code 250 Illinois Child Labor Law (P-19)

LOTTERY, DEPARTMENT OF

11 Ill. Adm. Code 1770 Lottery (General) (P-791)

MINES AND MINERALS, DEPARTMENT OF

62 Ill. Adm. Code 1847 Administrative And Judicial Review (P-1454)

62 Ill. Adm. Code 1761 Areas Designated By Act Of Congress (P-1470)

62 Ill. Adm. Code 1800 Bonding And Insurance Requirements For Surface Coal Mining And Reclamation Operations (P-1474)

62 Ill. Adm. Code 1845 Civil Penalties (P-1481)

62 Ill. Adm. Code 1840 Department Inspections (P-1485)

62 Ill. Adm. Code 1700 General (P-1492)

62 Ill. Adm. Code 1701 General Definitions (P-1498) (C-2319)

62 Ill. Adm. Code 1848 General Rules Relating To Procedure And Practice (P-1526)

62 Ill. Adm. Code 1817 Permanent Program Performance Standards--Underground Mining Operations (P-1530)

62 Ill. Adm. Code 1816 Permanent Program Performance Standards--Surface Mining Activities (P-1569)

62 Ill. Adm. Code 1778 Permit Applications--Minimum Requirements For Legal, Financial, Compliance, And Related Information (P-1627)

62 Ill. Adm. Code 1772 Requirements For Coal Exploration (P-1631)

62 Ill. Adm. Code 1773 Requirements For Permits And Permit Processing (P-1637)

62 Ill. Adm. Code 1785 Requirements For Permits For Special Categories Of Mining (P-1653)

62 Ill. Adm. Code 1774 Revision; Renewal; And Transfer, Assignment, Or Sale Of Permit Rights (P-1663)

62 Ill. Adm. Code 1795 Small Operator Assistance (P-1670)

62 Ill. Adm. Code 1825 Special Permanent Program Performance Standards-- Operations On High Capability Lands (P-1676)

62 Ill. Adm. Code 1843 State Enforcement (P-1682)
62 Ill. Adm. Code 1780 Surface Mining Permit Application--Minimum Requirements For Reclamation And Operation Plan (P-1687)
62 Ill. Adm. Code 1779 Surface Mining Permit Applications - Minimum Requirements For Information On Environmental Resources (P-1692)
62 Ill. Adm. Code 140 The Coal Mining Act (P-1605/94;A-2461)
62 Ill. Adm. Code 240 The Illinois Oil And Gas Act (P-2215)
62 Ill. Adm. Code 1850 Training, Examination And Certification Of Blasters (P-1697)
62 Ill. Adm. Code 1784 Underground Mining Permit Applications--Minimum Requirements For Reclamation And Operation Plan (P-1712)
62 Ill. Adm. Code 1783 Underground Mining Permit Applications--Minimum Requirements For Information On Environmental Resources (P-1706)

NUCLEAR SAFETY, DEPARTMENT OF

32 Ill. Adm. Code 360 Use Of X-Rays In The Healing Arts Including Medical, Dental, Podiatry, And Veterinary Medicine (P-163) (E-273)

POLLUTION CONTROL BOARD

35 Ill. Adm. Code 219 Organic Material Emission Standards And Limitations For The Metro East Area (E-3059)
35 Ill. Adm. Code 307 Sewer Discharge Criteria (P-2612)
35 Ill. Adm. Code 303 Water Use Designations And Site Specific Water Quality Standards (P-14219/94;A-1310)

PROFESSIONAL REGULATION, DEPARTMENT OF

68 Ill. Adm. Code 1400 Clinical Psychologist Licensing Act (P-2566/94;A-11191/94;RQ-18129/94;EC-989)
68 Ill. Adm. Code 1150 Illinois Architecture Practice Act Of 1989 (P-1180)
68 Ill. Adm. Code 1200 Illinois Certified Shorthand Reporters Act Of 1984 (P-12103/94;A-940)
68 Ill. Adm. Code 1270 Illinois Professional Land Surveyor Act Of 1989 (P-1185)
68 Ill. Adm. Code 1255 Interior Design Profession Title Act (P-2646)
68 Ill. Adm. Code 1240 Private Detective, Private Alarm And Private Security Act Of 1993 (P-14567/94;A-954)
68 Ill. Adm. Code 1300 The Illinois Nursing Act Of 1987 (P-2658)
68 Ill. Adm. Code 1380 The Professional Engineering Practice Act Of 1989 (P-1190)
68 Ill. Adm. Code 1480 The Structural Engineering Licensing Act Of 1989 (P-1195) (P-16901/93;A-2309)

PUBLIC AID, DEPARTMENT OF

89 Ill. Adm. Code 112 Aid To Families With Dependent Children (P-804)

(P-7208/94;A-15774/94;RQ-18407/94;EC-998)
(P-11461/94;A-2845)
89 Ill. Adm. Code 113 Aid To The Aged, Blind Or Disabled (P-815) (P-14281/94;A-1052) (P-14590/94;A-2875)
89 Ill. Adm. Code 111 Assistance Standards (P-15707/94;A-2886)
89 Ill. Adm. Code 160 Child Support Enforcement (P-12604/94;A-1314)
89 Ill. Adm. Code 116 Crisis Assistance (P-824)
89 Ill. Adm. Code 170 Demonstration Programs (P-530) (E-645;O-2318)
89 Ill. Adm. Code 144 Developmental Disabilities Services (P-1717) (P-16521/94;A-2890)
89 Ill. Adm. Code 148 Hospital Services (P-14600/94;A-1067)
89 Ill. Adm. Code 120 Medical Assistance Programs (P-14830/94;A-2905)
89 Ill. Adm. Code 140 Medical Payment (P-165) (P-14851/94;A-1082) (P-1200) (P-16059/94;A-2933)
89 Ill. Adm. Code 104 Practice In Administrative Hearings (P-14615/94;A-1321)
89 Ill. Adm. Code 147 Reimbursement For Nursing Costs For Geriatric Facilities (P-1730)
89 Ill. Adm. Code 117 Related Program Provisions (P-14303/94;A-1103)
89 Ill. Adm. Code 102 Rights And Responsibilities (P-13723/94;P-14622/94;A-1108)
89 Ill. Adm. Code 118 Special Eligibility Groups (P-829)

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 697 AIDS Confidentiality And Testing Code (P-8840/94;A-1117)
77 Ill. Adm. Code 694 College Immunization Code (P-1219)
77 Ill. Adm. Code 693 Control Of Sexually Transmissible Diseases Code (P-8850/94;A-1126)
77 Ill. Adm. Code 594 Distribution Of Medical Student Scholarship Payback Funds (P-8572/94;A-2955)
77 Ill. Adm. Code 535 Emergency Medical Services Code (P-1745)
77 Ill. Adm. Code 750 Food Service Sanitation Code (P-533)
77 Ill. Adm. Code 980 Heart Disease Treatment And Prevention Fund Rules (P-1224)
77 Ill. Adm. Code 990 Hemophilia Treatment Fund Rules (P-1234)
77 Ill. Adm. Code 250 Hospital Licensing Requirements (P-2673)
77 Ill. Adm. Code 540 Illinois Trauma Center Code (P-1242)
77 Ill. Adm. Code 845 Lead Poisoning Prevention Code (P-8021/94;A-238)
77 Ill. Adm. Code 615 Local Health Protection Grant Rules (P-833)
77 Ill. Adm. Code 905 Private Sewage Disposal Code (P-22359/93;O-18405/94;W-287)
77 Ill. Adm. Code 760 Retail Food Store Sanitation Code (P-551)
77 Ill. Adm. Code 510 Testing Of Breath, Blood And Urine For Alcohol And/Or Other Drugs (P-185)
77 Ill. Adm. Code 790 The Illinois Formulary For The Drug Product Selection Program (P-3205/94;PF-14820/94;W-289) (E-3778/94) (PR-3204/94;O-14819/94;W-290)
77 Ill. Adm. Code 672 WIC Vendor Management Code (P-14308/94;A-606)

PUBLIC HEALTH, DEPARTMENT OF/ HEALTH FACILITIES PLANNING BOARD
 77 Ill. Adm. Code 1130 Health Facilities Planning Procedural Rules (P-8861/94;A-2971)
 (P-8867/94;O-17288/94;R-3088;A-2972)
 77 Ill. Adm. Code 1100 Narrative & Planning Policies (P-1799) (E-1941) (P-9357/94;A-2985)
 77 Ill. Adm. Code 1110 Processing, Classification Policies And Review (Criteria (P-9364/94;A-2991)

RACING BOARD, ILLINOIS
 11 Ill. Adm. Code 509 Medication (P-12043/94;A-2466)
 11 Ill. Adm. Code 1416 Rules Of The Race (P-15721/94;A-2471)
 11 Ill. Adm. Code 311 Superfecta (P-568)

REHABILITATION SERVICES, DEPARTMENT OF
 89 Ill. Adm. Code 557 Application (P-839) (P-12048/94;A-1135) (P-12625/94;A-2473)
 89 Ill. Adm. Code 553 Assessment For Determining Eligibility And Rehabilitation Needs (P-842) (P-13048/94;A-1834)
 89 Ill. Adm. Code 562 Client Financial Participation (P-846)
 89 Ill. Adm. Code 590 Services (P-28)

REVENUE, DEPARTMENT OF
 86 Ill. Adm. Code 105 Electronic Filing Of Illinois Individual Income Tax Returns (P-1022) (E-1139)
 86 Ill. Adm. Code 800 General Rules For All Taxes (P-2385)
 86 Ill. Adm. Code 100 Income Tax (P-14346/94;A-1839) (P-14878/94;A-1839) (P-15338/94;A-1839) (P-15546/94;A-1839)
 86 Ill. Adm. Code 500 Motor Fuel Tax (P-14634/94;A-3008)
 86 Ill. Adm. Code 750 Payment Of Taxes By Electronic Funds Transfer (P-2389)
 86 Ill. Adm. Code 110 Property Tax Code (P-2394) (E-2476)
 86 Ill. Adm. Code 130 Retailers' Occupation Tax (P-571)
 86 Ill. Adm. Code 700 Uniform Penalty And Interest Act (P-9394/94;A-1909)

SECRETARY OF STATE
 92 Ill. Adm. Code 1001 Procedures And Standards (P-34) (E-54)
 14 Ill. Adm. Code 130 Regulations Under Illinois Securities Law Of 1953 (P-2733)
 14 Ill. Adm. Code 165 Uniform Partnership Act (P-14686/94;A-1915)

STATE POLICE MERIT BOARD, DEPARTMENT OF
 80 Ill. Adm. Code 150 Procedures Of The Department Of State Police Merit Board (P-1270)

STUDENT ASSISTANCE COMMISSION, ILLINOIS
 23 Ill. Adm. Code 2766 Christa McAuliffe Fellowship Program (P-1275)

COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM (P-852)
 23 Ill. Adm. Code 2771 College Savings Bond Bonus Incentive Grant (BIG) Program (P-852)
DAVID A. DEBOLT TEACHER SHORTAGE SCHOLARSHIP PROGRAM (E-976)
 23 Ill. Adm. Code 2764 David A. DeBolt Teacher Shortage Scholarship Program (E-976) (P-861)
FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP)
 23 Ill. Adm. Code 2720 Federal Family Education Loan Program (FFELP) (P-861)
GENERAL PROVISIONS (P-883)
 23 Ill. Adm. Code 2700 General Provisions (P-883)
ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER PROGRAM (P-1281)
 23 Ill. Adm. Code 2765 Illinois Special Education Teacher Tuition Waiver Program (P-1281)
MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM (P-894)
 23 Ill. Adm. Code 2763 Minority Teachers Of Illinois (MTI) Scholarship Program (P-894)
MONETARY AWARD PROGRAM (MAP) (P-903)
 23 Ill. Adm. Code 2735 Monetary Award Program (MAP) (P-903)
PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM (P-912)
 23 Ill. Adm. Code 2762 Paul Douglas Teacher Scholarship Program (P-912)
ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM (P-1288)
 23 Ill. Adm. Code 2755 Robert C. Byrd Honors Scholarship Program (P-1288)
STATE SCHOLAR PROGRAM (P-920)
 23 Ill. Adm. Code 2760 State Scholar Program (P-920)

TRANSPORTATION, DEPARTMENT OF
 2 Ill. Adm. Code 1226 Request For Public Records (A-1334)

UNIVERSITY OF ILLINOIS, THE BOARD OF TRUSTEES OF
 23 Ill. Adm. Code 1300 Certificate Of Certified Public Accountant (E-984)

VETERANS' AFFAIRS, DEPARTMENT OF
 95 Ill. Adm. Code 122 Korean War Memorial Construction Fund (P-2757)

NOTICE OF PUBLIC HEARINGS
AGRICULTURE, DEPARTMENT OF
 8 Ill. Adm. Code 255; Agrichemical Facilities
 8 Ill. Adm. Code 256; Lawncare Wash Water And Rinsate Collection
 1011
 1012
LABOR, DEPARTMENT OF
 56 Ill. Adm. Code 250; Illinois Child Labor Law
 56 Ill. Adm. Code 200; Illinois Minimum Wage Law (Repeal of)
 56 Ill. Adm. Code 210; Minimum Wage Law
 1355
 66
 67

PUBLIC INFORMATION
AFFORDABLE HOUSING PROGRAM, ILLINOIS
 Annual Plan Of The Advisory Commission
 68
BANKS AND TRUST COMPANIES, COMMISSIONER OF
 Notice Of Acceptance Of An Application For Commerce Bancshares, Inc. Kansas City, Missouri, To Acquire Peoples Mid-Illinois Corporation, Bloomington, Ill.
 1947

Weights And Measures Act; 8 Ill. Adm. Code 600 75

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF
 Licensure Of Alcoholism And Substance Abuse Treatment,
 Intervention And Research Programs; 77 Ill. Adm. Code 2058 1144
 Subacute Alcoholism And Substance Abuse Treatment Services; 77
 Ill. Adm. Code 2090 1015

AUDITOR GENERAL
 Code Of Regulations; 74 Ill. Adm. Code 420 76
 Code Of Rules; 74 Ill. Adm. Code 440 77
 Purchases & Contracts; 44 Ill. Adm. Code 500 78

BANKS AND TRUST COMPANIES, COMMISSIONER OF
 Blacklist Prohibition; 38 Ill. Adm. Code 302 298
 Corporate Fiduciary Subsidiaries; 38 Ill. Adm. Code 396 299
 Organization, Information And Rulemaking Procedures Of The
 Commissioner Of Banks And Trust Companies; 38 Ill. Adm. Code
 301 300
 Public Hearings On Acquisitions Of Illinois Banks Or Illinois
 Bank Holding Companies By Midwest Bank Holding Companies; 38
 Ill. Adm. Code 390 301
 Standards For Operation And Conduct Of Affairs Of Corporate
 Fiduciaries; 38 Ill. Adm. Code 399 303

CAPITAL DEVELOPMENT BOARD
 Bidder Responsibility and Suspension of Contractors; 44 Ill.
 Adm. Code 0017 306
 Illinois Accessibility Code; 71 Ill. Adm. Code 400 304
 Insurance And Surety Companies; 44 Ill. Adm. Code 1050 305
 Prequalification And Suspension Of Contractors; 44 Ill. Adm.
 Code 950 307

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
 Acquisition, Management & Disposal Of Real Property; 44 Ill.
 Adm. Code 5000 79
 Conditions Of Employment; 80 Ill. Adm. Code 303 80
 Joint Rules Of The Comptroller And The Department Of Central
 Management Services; Prompt Payment; 74 Ill. Adm. Code 900 81
 Merit And Fitness; 80 Ill. Adm. Code 302 82
 Pay Plan; 80 Ill. Adm. Code 310 83
 State Of Illinois Dependent Care Assistance Plan; 80 Ill. Adm.
 Code 2110 85
 State Of Illinois Medical Care Assistance Plan; 80 Ill. Adm.
 Code 2120 86
 State Vehicles And Garage; 44 Ill. Adm. Code 5040 87
 Travel; 80 Ill. Adm. Code 2800 88
 Travel Regulation Council; 80 Ill. Adm. Code 3000 89

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Notice Of Acceptance Of An Application Old National Bancorp,
 Evansville, Indiana To Acquire Oblong Bancshares, Inc.,
 Oblong, Ill. 1948

Notice Of Acceptance Of An Application Texas Financial
 Bancorporation, Inc., Minneapolis, Minnesota To Acquire
 Fulton State Bank, Fulton, Illinois 650

Notice Of Acceptance Of An Application Texas Financial
 Bancorporation, Inc., Minneapolis, Minnesota To Acquire
 Monmouth Financial Services, Minneapolis, Minnesota And
 Thereby Acquire Monmouth Trust And Savings Bank, Monmouth,
 Illinois 651
 Notice Of Public Meeting 3090

FINANCIAL INSTITUTIONS, DEPARTMENT OF
 Notice Of Names Of Persons Appearing To Be Owners Of Unclaimed
 Property Whose Last Known Addresses Are In Certain States 1949

LOTTERY, DEPARTMENT OF
 Listing Of Game-Specific Materials Published By The Lottery
 During Calendar Year 1994 1013

POLLUTION CONTROL BOARD
 Notice Pursuant To 415 ILCS 5/7.2(b) 3091

PUBLIC AID, DEPARTMENT OF
 Notice Of Hospital Reimbursement Changes 2345

REVENUE, DEPARTMENT OF
 Index Of Letter Rulings (1994 - 3rd Quarter) (ROT) 2018
 Index Of Letter Rulings (1994 - 4th Quarter) (Income Tax) 2046
 The Uniform Penalty And Interest Act 652

REGULATORY AGENDA

ABANDONED MINED LANDS RECLAMATION COUNCIL
 Abandoned Mined Lands Reclamation; 62 Ill. Adm. Code 2501 294
 Public Information, Rulemaking, And Organization; 2 Ill. Adm.
 Code 1500 296
 Selection Of Contractors And Consultants; 44 Ill. Adm. Code
 1150 297

AGRICULTURE, DEPARTMENT OF
 Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment,
 Containers, And Storage Facilities; 8 Ill. Adm. Code 215 71
 Farmland Preservation Act; 8 Ill. Adm. Code 700 72
 Illinois Seed Law; 8 Ill. Adm. Code 230 73
 Illinois State Fair, And Duquoin State Fair, Non-Fair Space
 Rental And The General Operation Of The State Fairgrounds; 8
 Ill. Adm. Code 270 74

- Client Service Planning; 89 Ill. Adm. Code 305
Confidentiality Of Personal Information Of Persons Served By
The Department; 89 Ill. Adm. Code 431
Foster Care Placement Goal; 89 Ill. Adm. Code 301
Licensing Enforcement; 89 Ill. Adm. Code 383
Licensing Standards For Child Care Institutions And Maternity
Centers; 89 Ill. Adm. Code 404
Licensing Standards For Child Welfare Agencies; 89 Ill. Adm.
Code 401
Licensing Standards For Foster Family Homes; 89 Ill. Adm. Code
402
Licensing Standards For Group Homes; 89 Ill. Adm. Code 403
Reports Of Child Abuse And Neglect; 89 Ill. Adm. Code 300
Services Delivered By The Department; 89 Ill. Adm. Code 302
Transfer Of Violent Juvenile Offenders To The Department Of
Corrections; 89 Ill. Adm. Code 312
- COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF**
Economic Dislocation And Worker Adjustment Assistance; 56 Ill.
Adm. Code 2625
Illinois Small Business Development Program; 14 Ill. Adm. Code
570
Industrial Training Program; 56 Ill. Adm. Code 2650
Service Delivery System And State Responsibilities; 56 Ill.
Adm. Code 2600
State Administration Of The Federal Community Development
Block Grant Program For Small Cities; 47 Ill. Adm. Code 110
Training Services For The Disadvantaged; 56 Ill. Adm. Code
2610
Uniform Fiscal And Administrative Standards For The Job
Training Partnership Act; 56 Ill. Adm. Code 2630
- COMMERCE COMMISSION, ILLINOIS**
Federal Demand Management Investment Standard; 83 Ill. Adm.
Code 0013
Federal Energy Efficiency Investment Standard; 83 Ill. Adm.
Code 0014
Interconnection; 83 Ill. Adm. Code 790
Least-Cost Planning For Electric Utilities; 83 Ill. Adm. Code
440
Least-Cost Planning For Natural Gas Utilities; 83 Ill. Adm.
Code 535
Pay Telephone Providers; 83 Ill. Adm. Code 771
Prescription; 83 Ill. Adm. Code 0015
Standard Filing Requirements For Electric, Gas, Water And
Sewer Utilities And Telecommunications Carriers In Filing
For An Increase In Rates; 83 Ill. Adm. Code 285
Standards Of Service Applicable To 9-1-1 Emergency Systems
(General Order 207); 83 Ill. Adm. Code 725

- Telecommunications Access For The Hearing And Voice Impaired;
83 Ill. Adm. Code 755
- COMPTROLLER, OFFICE OF THE**
Contract Content; 74 Ill. Adm. Code 290
Illinois Funeral Or Burial Funds Act; 38 Ill. Adm. Code 610
- CONSERVATION, DEPARTMENT OF**
Camping On Department Of Conservation Properties; 17 Ill. Adm.
Code 130
Cock Pheasant, Hungarian Partridge, Bobwhite Quail, And Rabbit
Hunting; 17 Ill. Adm. Code 530
Crow, Woodcock, Snipe, Rail And Teal Hunting; 17 Ill. Adm.
Code 740
Department Formal Hearings Conducted For Rulemaking And
Contested Cases; 17 Ill. Adm. Code 2530
Dog Training On Department-Owned Or -Managed Sites; 17 Ill.
Adm. Code 950
Dove Hunting; 17 Ill. Adm. Code 730
Duck, Goose And Coot Hunting; 17 Ill. Adm. Code 590
General Hunting And Trapping On Department-Owned Or -Managed
Sites; 17 Ill. Adm. Code 510
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red
Fox, Gray Fox, Coyote, Beaver And Woodchuck (Groundhog)
Trapping; 17 Ill. Adm. Code 570
Operation Of Watercraft Carrying Passengers On The Illinois
Waters Of Lake Michigan; 17 Ill. Adm. Code 2080
Public Use Of State Parks And Other Properties Of The
Department Of Conservation; 17 Ill. Adm. Code 110
Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote And
Woodchuck (Groundhog) Hunting; 17 Ill. Adm. Code 550
Squirrel Hunting; 17 Ill. Adm. Code 690
The Taking Of Wild Turkeys - Fall Archery Season; 17 Ill. Adm.
Code 720
The Taking Of Wild Turkeys-Fall Gun Season; 17 Ill. Adm. Code
715
White-Tailed Deer Hunting By Use Of Bow And Arrow; 17 Ill.
Adm. Code 670
White-Tailed Deer Hunting By Use Of Firearms; 17 Ill. Adm.
Code 650
White-Tailed Deer Hunting Season By Use Of Muzzleloading
Rifles; 17 Ill. Adm. Code 660
White-Tailed Deer Hunting Season By Use Of Handguns; 17 Ill.
Adm. Code 680
- EDUCATION, STATE BOARD OF**
Building Specifications For Health And Safety In Public
Schools; 23 Ill. Adm. Code 185
Certification; 23 Ill. Adm. Code 25

Disadvantaged Students Funds Plan--Districts Over 50,000 ADA; 23 Ill. Adm. Code 202 366
 Driver Education; 23 Ill. Adm. Code 252 367
 Educational Service Centers; 23 Ill. Adm. Code 500 368
 Efficient And Adequate Standards For The Building Specifications For The Construction Of Schools; 23 Ill. Adm. Code 175 369
 Electronic Transfer Of Funds; 23 Ill. Adm. Code 155 370
 Public Schools Evaluation, Recognition And Supervision; 23 Ill. Adm. Code 1 371
 Pupil Transportation; 23 Ill. Adm. Code 275 372
 Truants' Alternative And Optional Education Programs; 23 Ill. Adm. Code 205 373
 Urban Education Partnership Program; 23 Ill. Adm. Code 245 374
 Vocational Education; 23 Ill. Adm. Code 254 375

ENVIRONMENTAL PROTECTION AGENCY

Annual Testing Fees For Analytical Services; 35 Ill. Adm. Code 691 90
 Design Criteria Of Pressure Sewer Systems; 35 Ill. Adm. Code 374 91
 General Conditions Of State Of Illinois Grants For Nonhazardous Solid Waste Planning And Enforcement; 35 Ill. Adm. Code 871 92
 General Conformity; 35 Ill. Adm. Code 255 93
 Illinois Recommended Standards For Sewage Works; 35 Ill. Adm. Code 370 94
 Joint Rules Of The Illinois Environmental Protection Agency, The Illinois Department Of Public Health And The Illinois Department Of Nuclear Safety: Certification And Operation Of Environmental Laboratories; 35 Ill. Adm. Code 183 95
 Procedures & Requirements For Conflict Resolution In Revising Water Quality Management Plans; 35 Ill. Adm. Code 351 97
 Procedures For Collection Of Review And Evaluation Services Costs; 35 Ill. Adm. Code 859 98
 Procedures For Issuing Solid Waste Planning And Enforcement Grants; 35 Ill. Adm. Code 870 100
 Procedures For The Operation Of The Fee System For Processing Inquiry Requests For Agency Records; 35 Ill. Adm. Code 877 101
 Procedures To Be Followed In The Performance Of Annual Inspections Of Motor Vehicle Exhaust Emissions; 35 Ill. Adm. Code 276 102

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

Data Collection; 77 Ill. Adm. Code 2510 655
 Hospital Price Information; 77 Ill. Adm. Code 2530 656
 Penalties; 77 Ill. Adm. Code 2540 657

HISTORIC PRESERVATION AGENCY

Rules Implementing "The Archaeological And Paleontological Resources Protection Act"; 17 Ill. Adm. Code 4190 376

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

Affordable Housing Bond Program - Single Family; 47 Ill. Adm. Code 366 104

INDUSTRIAL COMMISSION

Arbitration; 50 Ill. Adm. Code 7030 377
 Insurance Regulations; 50 Ill. Adm. Code 7100 378

INSURANCE, DEPARTMENT OF

Annual Audited Financial Report; 50 Ill. Adm. Code 925 379
 Cost Containment Form And Data Reporting Requirements; 50 Ill. Adm. Code 6602 380
 Credit Accident And Health Insurance Rules; 50 Ill. Adm. Code 952 381
 Definition Of Salary; 50 Ill. Adm. Code 6302 382
 Filing Policy And Endorsements Form; 50 Ill. Adm. Code 753 383
 Foreign And Alien Insurer Annual Audited Financial Reports; 50 Ill. Adm. Code 601 384
 Health Maintenance Organization; 50 Ill. Adm. Code 6101 385
 Letters Of Credit; 50 Ill. Adm. Code 1102 386
 License, Documents Necessary To Engage In Activities And Examinations; 50 Ill. Adm. Code 752 387
 Limited Health Service Organization; 50 Ill. Adm. Code 0008 388
 Long-Term Care Partnership Insurance; 50 Ill. Adm. Code 2018 389
 Loss Reserve Discounting; 50 Ill. Adm. Code 0009 390
 Managing General Agents; 50 Ill. Adm. Code 0010 391
 Minimum Standards For Individual And Group Medicare Supplement Insurance; 50 Ill. Adm. Code 2008 392
 Minimum Standards Of Individual Accident And Health Insurance; 50 Ill. Adm. Code 2007 658
 Modified Guaranteed Annuity; 50 Ill. Adm. Code 0012 393
 Pension And Examination Procedure; 50 Ill. Adm. Code 6301 394
 Plan Of Operation; 50 Ill. Adm. Code 0011 395
 Preferred Provider Program Administrators; 50 Ill. Adm. Code 6501 396
 Required Procedure For Filing And Securing Approval Of Life Insurance, Annuity And Accident And Health Insurance, Voluntary Health Services Plans, Vision Service Plans, Dental Service Plans, Pharmaceutical Service Plans, Limited Health Service Organizations And Health Maintenance Organizations Policy Forms; 50 Ill. Adm. Code 916 398
 Rules And Rate Filings; 50 Ill. Adm. Code 754 399
 Surplus Line Business Requirements; 50 Ill. Adm. Code 2801 400
 Valuation Of Life Insurance Policies - Rules Including The Introduction And Use Of New Select Mortality Factors; 50 Ill. Adm. Code 1409 401

LABOR RELATIONS BOARD, ILLINOIS STATE/ILLINOIS LOCAL
Freedom Of Information; 2 Ill. Adm. Code 2501
Public Information, Rulemaking Organization; 2 Ill. Adm. Code 2500

LOTTERY, DEPARTMENT OF
Lottety (General); 11 Ill. Adm. Code 1770

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF
Family Assistance And Home-Based Support Programs For Persons With Mental Disabilities; 59 Ill. Adm. Code 117
Medicaid Community Mental Health Services Program; 59 Ill. Adm. Code 132
Medicaid Home And Community-Based Services For Developmentally Disabled Recipients; 59 Ill. Adm. Code 120
Treatment And Habilitation Services; 59 Ill. Adm. Code 112

MINES AND MINERALS, DEPARTMENT OF
Administrative And Judicial Review; 62 Ill. Adm. Code 1847
Bonding And Insurance Requirements For Surface Coal Mining And Reclamation Operations; 62 Ill. Adm. Code 1800
Civil Penalties; 62 Ill. Adm. Code 1845
Department Inspections; 62 Ill. Adm. Code 1840
General; 62 Ill. Adm. Code 1700
General Definitions; 62 Ill. Adm. Code 1701
General Rules Relating To Procedure And Practice; 62 Ill. Adm. Code 1848
Permanent Program Performance Standards-- Underground Mining Operations; 62 Ill. Adm. Code 1817
Permanent Program Performance Standards-Surface Mining Activities; 62 Ill. Adm. Code 1816
Permit Applications--Minimum Requirements For Legal, Financial, Compliance, And Related Information; 62 Ill. Adm. Code 1778
Requirements For Coal Exploration; 62 Ill. Adm. Code 1772
Requirements For Permits And Permit Processing; 62 Ill. Adm. Code 1773
Requirements For Permits For Special Categories Of Mining; 62 Ill. Adm. Code 1785
Restriction On Financial Interests Of State Employees; 62 Ill. Adm. Code 1705
Revision; Renewal; And Transfer, Assignment, Or Sale Of Permit Rights; 62 Ill. Adm. Code 1774
Small Operator Assistance; 62 Ill. Adm. Code 1795
Special Permanent Program Performance Standards-- Operations On High Capability Lands; 62 Ill. Adm. Code 1825
State Enforcement; 62 Ill. Adm. Code 1843
Surface Mining Permit Application--Minimum Requirements For Reclamation And Operation Plan; 62 Ill. Adm. Code 1780

Surface Mining Permit Applications - Minimum Requirements For Information On Environmental Resources; 62 Ill. Adm. Code 1779
The Illinois Explosives Act; 62 Ill. Adm. Code 200
The Illinois Oil And Gas Act; 62 Ill. Adm. Code 240
Training, Examination And Certification Of Blasters; 62 Ill. Adm. Code 1850
Underground Mining Permit Applications--Minimum Requirements For Information On Environmental Resources; 62 Ill. Adm. Code 1783
Underground Mining Permit Applications--Minimum Requirements For Reclamation And Operation Plan; 62 Ill. Adm. Code 1784

NUCLEAR SAFETY, DEPARTMENT OF
Access To Facilities For Treatment, Storage, Or Disposal Of Low-Level Radioactive Waste; 32 Ill. Adm. Code 609
Fees For Radioactive Material Licenses; 32 Ill. Adm. Code 331
Licensing Of Radioactive Material; 32 Ill. Adm. Code 330
Use Of Radionuclides In The Healing Arts; 32 Ill. Adm. Code 335

POLLUTION CONTROL BOARD
Clean Fuel Vehicles; 35 Ill. Adm. Code 241
Definitions And General Provisions; 35 Ill. Adm. Code 211
Definitions And General Provisions; 35 Ill. Adm. Code 211
General Rules; 35 Ill. Adm. Code 101
Hazardous Waste Management System: General; 35 Ill. Adm. Code 720
Organic Material Emission Standards And Limitations For The Chicago Area; 35 Ill. Adm. Code 218
Organic Material Emission Standards And Limitations For The Metro East Area; 35 Ill. Adm. Code 219
Organic Material Emission Standards And Limitations; 35 Ill. Adm. Code 215
Permits And General Provisions; 35 Ill. Adm. Code 201
Petroleum Underground Storage Tanks; 35 Ill. Adm. Code 732
Primary Drinking Water Standards; 35 Ill. Adm. Code 611
Sewer Discharge Criteria; 35 Ill. Adm. Code 307
Solid Waste Disposal: General Provisions; 35 Ill. Adm. Code 810
Standards For Compost Facilities; 35 Ill. Adm. Code 830
Standards For Existing Landfills And Units; 35 Ill. Adm. Code 814
Toxic Air Contaminants; 35 Ill. Adm. Code 232
Toxic Air Contaminants; 35 Ill. Adm. Code 232
Underground Injection Control Operating Requirements; 35 Ill. Adm. Code 730
Underground Storage Tanks; 35 Ill. Adm. Code 731
Vehicle Scrapage Requirements; 35 Ill. Adm. Code 242
Visible And Particulate Matter Emissions; 35 Ill. Adm. Code 212

105
106
402
403
405
407
409
659
660
661
662
663
664
665
667
666
668
669
670
671
673
674
676
677
678
680

15

Visible And Particulate Matter Emissions; 35 Ill. Adm. Code 212
 Water Quality Standards; 35 Ill. Adm. Code 302

PROFESSIONAL REGULATION, DEPARTMENT OF

Clinical Psychologist Licensing Act; 68 Ill. Adm. Code 1400
 Clinical Social Work And Social Work Practice Act; 68 Ill. Adm. Code 1470
 Environmental Health Practitioner Registration Act; 68 Ill. Adm. Code 0001
 Illinois Architecture Practice Act Of 1989; 68 Ill. Adm. Code 1150
 Illinois Professional Land Surveyor Act Of 1989; 68 Ill. Adm. Code 1270
 Illinois Public Accounting Act; 68 Ill. Adm. Code 1420
 Interior Design Profession Title Act; 68 Ill. Adm. Code 1255
 Medical Practice Act Of 1987; 68 Ill. Adm. Code 1285
 Naprapathic Practice Act; 68 Ill. Adm. Code 0002
 Optometric Practice Act Of 1987; 68 Ill. Adm. Code 1320
 Pharmacy Practice Act Of 1987; 68 Ill. Adm. Code 1330
 Professional Counselor And Clinical Professor Professional Counselor Licensing Act; 68 Ill. Adm. Code 1375
 Public Accounting Act (Professional Conduct); 68 Ill. Adm. Code 1430
 Real Estate Appraiser Certification; 68 Ill. Adm. Code 1455
 Real Estate License Act Of 1983; 68 Ill. Adm. Code 1450
 Rules Of Practice In Administrative Hearings; 68 Ill. Adm. Code 1110
 The Illinois Nursing Act Of 1987; 68 Ill. Adm. Code 1300
 The Professional Engineering Practice Act Of 1989; 68 Ill. Adm. Code 1380
 The Structural Engineering Licensing Act Of 1989; 68 Ill. Adm. Code 1480
 Veterinary Medicine And Surgery Practice Act Of 1994; 68 Ill. Adm. Code 1500

PROPERTY TAX APPEAL BOARD

Procedures; 86 Ill. Adm. Code 1910

PUBLIC AID, DEPARTMENT OF

Aid To Families With Dependent Children; 89 Ill. Adm. Code 112
 Aid To The Aged, Blind Or Disabled; 89 Ill. Adm. Code 113
 Child Support Enforcement; 89 Ill. Adm. Code 160
 Demonstration Programs; 89 Ill. Adm. Code 170
 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS); 89 Ill. Adm. Code 149
 Food Stamps; 89 Ill. Adm. Code 121
 Hospital Services; 89 Ill. Adm. Code 148
 Medical Payment; 89 Ill. Adm. Code 140
 Mediplus Plus; 89 Ill. Adm. Code 142

Refugee/Entrant/Repatriate Program; 89 Ill. Adm. Code 115
 Related Program Provisions; 89 Ill. Adm. Code 117
 Rights And Responsibilities; 89 Ill. Adm. Code 102

PUBLIC HEALTH, DEPARTMENT OF

AIDS Drug Reimbursement Program; 77 Ill. Adm. Code 692
 Assessing Laboratory Fees For Toxicologic Analysis; 77 Ill. Adm. Code 475
 Child Health Examination Code; 77 Ill. Adm. Code 665
 College Immunization Code; 77 Ill. Adm. Code 694
 Emergency Medical Services Code; 77 Ill. Adm. Code 535
 Family Planning Services Code; 77 Ill. Adm. Code 635
 Grade A Pasteurized Milk And Milk Products; 77 Ill. Adm. Code 775
 Hospital Licensing Requirements; 77 Ill. Adm. Code 250
 Illinois Swimming Pool And Bathing Beach Code; 77 Ill. Adm. Code 820
 Illinois Plumbing Code; 77 Ill. Adm. Code 890
 Illinois Trauma Center Code; 77 Ill. Adm. Code 540
 Immunization Code; 77 Ill. Adm. Code 695
 Long-Term Care Facilities Licensing Code; 77 Ill. Adm. Code 320
 Manufactured Dairy Products; 77 Ill. Adm. Code 785
 Manufactured Housing And Mobile Structures; 77 Ill. Adm. Code 880
 Migrant Labor Camps; 77 Ill. Adm. Code 935
 Plumbers Licensing Code; 68 Ill. Adm. Code 750
 Practice And Procedure In Administrative Hearings; 77 Ill. Adm. Code 100
 Processors Of Cacao Products And Confectionery; 77 Ill. Adm. Code 738
 Processors Of Fresh And Smoked Fish; 77 Ill. Adm. Code 735
 Sanitary Vending Of Food And Beverages; 77 Ill. Adm. Code 743
 Soft Drink Manufacturers; 77 Ill. Adm. Code 740
 Structural Pest Control Code; 77 Ill. Adm. Code 830
 Tanning Facilities Code; 77 Ill. Adm. Code 795
 The Manufacturing, Processing, Packing Or Holding Of Food; 77 Ill. Adm. Code 730
 WIC Vendor Management Code; 77 Ill. Adm. Code 672

REHABILITATION SERVICES, DEPARTMENT OF

Advisory Councils; 89 Ill. Adm. Code 515
 Appeals And Hearings; 89 Ill. Adm. Code 510
 Application; 89 Ill. Adm. Code 557
 Assessment For Determining Eligibility And Rehabilitation Needs; 89 Ill. Adm. Code 553
 Centers For Independent Living; 89 Ill. Adm. Code 885
 Client Financial Participation; 89 Ill. Adm. Code 562
 Closure; 89 Ill. Adm. Code 617
 Comparable Benefits; 89 Ill. Adm. Code 567

Confidentiality; 89 Ill. Adm. Code 505
Criteria For The Evaluation Of Programs Of Services In
Community Rehabilitation Programs; 89 Ill. Adm. Code 530
Eligibility; 89 Ill. Adm. Code 682
Illinois Children's School And Rehabilitation Center's Respite
Program; 89 Ill. Adm. Code 787
Impartial Due Process Hearing; 89 Ill. Adm. Code 800
Individualized Written Rehabilitation Program (IWRP); 89 Ill.
Adm. Code 572
Non-Academic Programs And Policies; 89 Ill. Adm. Code 830
Projects With Industry; 89 Ill. Adm. Code 640
Provider Requirements, Type Services, And Rates Of Payment; 89
Ill. Adm. Code 686
Rules Of Conduct; 89 Ill. Adm. Code 827
Services; 89 Ill. Adm. Code 590
State-Operated Or Private Programs; 89 Ill. Adm. Code 790
Therkelsen-Hansen College Loan Fund; 89 Ill. Adm. Code 835
Vending Facility Program For The Blind; 89 Ill. Adm. Code 650

REVENUE, DEPARTMENT OF

Bingo License And Tax Act; 86 Ill. Adm. Code 430
Charitable Games Act; 86 Ill. Adm. Code 435
Cigarette Tax Act; 86 Ill. Adm. Code 440
Coin-Operated Amusement Device Tax; 86 Ill. Adm. Code 460
Hotel Operators' Occupation Tax Act; 86 Ill. Adm. Code 480
Income Tax; 86 Ill. Adm. Code 100
Pull Tabs And Jar Games Act; 86 Ill. Adm. Code 432
Retailers' Occupation Tax; 86 Ill. Adm. Code 130
Service Occupation Tax; 86 Ill. Adm. Code 140
Telecommunications Excise Tax; 86 Ill. Adm. Code 495

SAVINGS AND RESIDENTIAL FINANCE, COMMISSIONER OF

Residential Mortgage License Act Of 1987; 38 Ill. Adm. Code
1050
Savings Bank Act; 38 Ill. Adm. Code 1075

SECRETARY OF STATE

Beat Auto Theft (B.A.T.) Program; 92 Ill. Adm. Code 0003
Cancellation, Revocation Or Suspension Of Licenses Or Permits;
92 Ill. Adm. Code 1040
Collection Of Fees; 92 Ill. Adm. Code 1003
Commercial Driver Training Schools; 92 Ill. Adm. Code 1060
Issuance Of Licenses; 92 Ill. Adm. Code 1030
Procedures And Standards; 92 Ill. Adm. Code 1001
Regulations Under Illinois Securities Law Of 1953; 14 Ill.
Adm. Code 130
Rules Of The Road-Handicapped Parking; 92 Ill. Adm. Code 1100
Safe Ride; 92 Ill. Adm. Code 0004

TEACHERS' RETIREMENT SYSTEMS OF THE STATE OF ILLINOIS

19

Administration & Operation Of The Teachers' Retirement System,
The; 80 Ill. Adm. Code 1650 126
TRANSPORTATION, DEPARTMENT OF
Alternate Fuel Systems For School Buses; 92 Ill. Adm. Code 449 729
Appendix G Vehicle Inspection Manual; 92 Ill. Adm. Code 0006 730
Carriage By Public Highway; 92 Ill. Adm. Code 177 731
Continuing Qualification And Maintenance Of Packaging; 92 Ill.
Adm. Code 180 732
Driving And Parking; 92 Ill. Adm. Code 397 733
Driving Of Motor Vehicles; 92 Ill. Adm. Code 392 734
General Information, Regulations And Definitions; 92 Ill. Adm.
Code 171 735
Hazardous Materials Table And Hazardous Materials
Communications; 92 Ill. Adm. Code 172 736
Hours Of Service Of Drivers; 92 Ill. Adm. Code 395 737
Inspection, Repair And Maintenance; 92 Ill. Adm. Code 396 738
Inspection, Repair And Maintenance; 92 Ill. Adm. Code 396
1016
Motor Carrier Safety Regulations:General; 92 Ill. Adm. Code
390 739
Official Testing Stations; 92 Ill. Adm. Code 448 740
Parts And Accessories Necessary For Safe Operation; 92 Ill.
Adm. Code 393 741
Prequalification Of Contractors And Issuance Of Plans And
Proposals; 44 Ill. Adm. Code 650 742
Procedures; 92 Ill. Adm. Code 107 743
Procedures And Enforcement; 92 Ill. Adm. Code 386 744
Qualification Of Drivers; 92 Ill. Adm. Code 391 745
Rates To Be Charged By Official Testing Stations For School
Buses; 92 Ill. Adm. Code 446 746
Request For Public Records; 2 Ill. Adm. Code 1226 747
School Bus Pretrip Inspection Requirements; 92 Ill. Adm. Code
0005 748
Shippers General Requirements For Shipments And Packagings; 92
Ill. Adm. Code 173 749
Specifications For Packagings; 92 Ill. Adm. Code 178 750
Specifications For Tank Cars; 92 Ill. Adm. Code 179 751

JOINT COMMITTEE ON ADMINISTRATIVE RULES**AGENDA**

Agenda for Meeting of January 10, 1995 127
Agenda for Meeting of February 7, 1995 1145
Agenda for Meeting of March 14, 1995 3092

SECOND NOTICES RECEIVED

134, 518, 752, 1017, 1150, 1356, 2070, 2346, 2508, 3099

20

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS
 95-1 Lieutenant Governor's Duties & Responsibilities Regarding Economic Development 1019

PROCLAMATIONS

94-672 U.S. Congress, State Senators and Representatives 135
 94-673 State Officers and U of I Trustees 144
 94-674 Proposed Amendment to Section 8 of Article I 145
 94-675 Breman Youth Committee Day 146
 94-676 Compassionate Friends Week 146
 94-677 Pearl Harbor Remembrance Day 146
 94-678 Chicagoland Hilton Hotels Salutes DCFCS Children Day 147
 94-679 Jack C. Costello Day 147
 94-680 Marshall Field's Day 148
 94-681 Elmhurst Clearners Day 149
 94-682 Jamaican Independence Day 149
 94-683 Lifelink Day 149
 94-684 Snowmobile Safety Awareness Week 150
 94-685 All-City Elementary Youth Chorus of Chicago Day 150
 94-686 League of Women Voters Day 151
 94-687 Critical Care Nurse Week 519
 94-688 Financial Literacy for Youth Month 519
 94-689 Nancy Turner Day 520
 94-690 Opticians Month 520
 94-691 African-American History Month 520
 94-692 Josephine Stasiak Day 521
 95-001 Centennial Celebration of Chicago Lying-In Hospital 753

95-002 Volunteer Blood Donor Month 1151
 95-003 Autism Awareness Week 1151
 95-004 Family Day 1152
 95-005 Tourism Week 1152
 95-006 Day of Tribute/Dr. Martin Luther King, Jr. Day 1153
 95-007 Kiwanis Week 1153
 95-008 Black Data Processing Associates Day 1153
 95-009 Peruvian Institutions in the United States of America and Canada Days 1154
 95-010 Religious Freedom Day 1154
 95-011 Catholic Schools Week 1155
 95-012 DuSable High School Concert Band Recognized 1357
 95-013 Eli Lipschultz Day 1357
 95-014 Medical Assistants Week 1358
 95-015 Music Education Day 1358
 95-016 Use It & Lose It Month 1359
 95-017 American POW Recognition Day 1359
 95-018 Earl Wyatt Day 1359
 95-019 Girls and Women In Sports Day 1359

EXECUTIVE ORDERS AND PROCLAMATIONS

95-020 Student Financial Aid And Admissions Awareness Month 1360
 95-021 Vera Burdich Month 1361
 95-022 Ray Wallace Allen Day 1361
 95-023 Dana Howard Day 1362
 95-024 Illinois School For The Deaf 1994 Deaf National Football Champions Day 1362
 95-025 Blue Ribbon Week 2347
 95-026 Chicago Business Opportunity Days 2347
 95-027 Elkay Manufacturing Company Day 2348
 95-028 Labor-Management Cooperation Week 2348
 95-029 Nutrition Month 2349
 95-030 School Psychologists Association Week 2349
 95-031 We Remember, We Care For Indigent Persons Day 2349
 95-032 Youth Soccer Day 2350
 95-033 American History Month 2350
 95-034 Donald Lynn Day 2351
 95-035 Four Chaplains Sunday 2351
 95-036 Land Surveyors' Month 2352
 95-037 Self-Esteem Month 2352
 95-038 Christian Heritage Week 2353
 95-039 Dehydration Awareness Month 2353
 95-040 Lithuanian Independence Day 2353
 95-041 Macomb Rotary Club Day 2354
 95-042 Save A Life Week 2354
 95-043 School Counseling Week 2355
 95-044 Seed Month 2355
 95-045 International Festival Week 2509
 95-046 Sam Madonia Day 2509
 95-047 Women's History Month 2510
 95-048 Child Passenger Safety Awareness Month 2510
 95-049 Denim Day 2511
 95-050 Municipal Clerks Week 2511
 95-051 O'Fallon Progress Newspaper Week 2511
 95-052 Adris Krainik Day 2512
 95-053 American Red Cross Month 2512
 95-054 Chili Week 2513
 95-055 Lincoln Heritage Trail Day 2513
 95-056 North Chicago Community High School Concert Chcir Recognized 2514
 95-057 Professional Social Workers Month 2514
 95-058 Theatrelevision Day 2515
 95-059 Trio Day 2515
 95-060 Engineers Week 2516
 95-061 Allen F. "Gunner" Kent Day 2516
 95-062 Future Business Leaders of America-Phi Beta Lambda Week 2517
 95-063 Help Hospitalized Children's Fund Month 2517
 95-064 Tornado Preparedness Week 2518
 95-065 William Deitweiler Day 2518

95-066	Employee the Older Worker Week	2519
95-067	FFA Week	2519
95-068	Middle Level Student Government Week	2520
95-069	Older Americans Month	2520
95-070	Christopher House Salutes Mark Harding Day	2521
95-071	Iranian Heritage Day	2521
95-072	School Social Worker Week	2522
95-073	Sertoma Freedom Week	2522
95-074	Bangladesh Day	3101
95-075	Estonian Day	3101
95-076	James H. Troy Day	3101
95-077	Mount Sinai Parenting Institute Day	3102
95-078	Chicago Latino Film Festival Days	3102
95-079	Croatian American Day	3103
95-080	Industrial Distribution Day	3103
95-081	Interior Design Awareness Month	3104
95-082	St. David's Day	3104

This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 Ill. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/94; A-6520). The codes are listed below.

TYPE OF RULE MAKING

am = amend to existing Section
cc = codification changes
n = New section
r = repeal of existing Section
re = recodified
= renumbered

ACTION CODE

A = Adopted Rule
E = Emergency
P = Proposed Rule
PP = Peremptory
M = Modification
W = Withdrawal
CC = Codification Changes
RQ = Request for Correction
R = Refusal

PF = Prohibited Filing
S = Suspension
O = JCAR Objection
F = Failure to Remedy Objections
RC = Recommendations
EC = Expedited Correction
C = Correction

TITLE 1
100.100 am (P-7087;A-13067)

TITLE 2

1226.10	am (A-1334)	600.1	am (P-2356)
1226.20	am (A-1334)	600.300	am (P-2356)
1226.110	am (A-1334)	600.320	am (P-2356)
1226.120	am (A-1334)	600.670	am (P-2356)
1226.310	am (A-1334)	600.76E	am (P-2356)
1226.330	am (A-1334)	1400.146	am (P-1164)
1226.420	am (A-1334)	1400.147	am (P-1164)

TITLE 8

60.10	am (P-754)	311.15	n (P-568)
60.20	am (P-754)	311.25	n (P-568)
60.30	am (P-754)	311.35	n (P-568)
60.40	am (P-754)	311.40	am (P-568)
60.50	am (P-754)	509.95	am (P-12043/94; A-2466)
60.60	am (P-754)	1416.50	am (P-15721/94; A-2471)
60.70	am (P-754)	1770.10	am (P-791)
60.80	r (P-754)	1770.60	am (P-791)
125.10	am (PP-1342)	1770.170	am (P-791)
125.100	am (PP-1342)	1770.190	am (P-791)
125.260	am (PP-1342)	1770.190	am (P-791)
125.270	am (PP-1342)	1770.200	am (P-791)
125.380	am (PP-1342)		

TITLE 14

255.10	am (P-1)	130.100	am (P-2733)
255.50	am (P-1)	130.135	n (P-2733)
255.60	am (P-1)	130.200	am (P-2733)
255.110	am (P-1)	130.441	am (P-2733)
255.170	am (P-1)	130.538	am (P-2733)
256.30	am (P-13)	130.810	am (P-2733)
256.50	am (P-13)	130.811	r (P-2733)
256.70	am (P-13)	130.820	am (P-2733)
		130.840	am (P-2733)

TITLE 8 (CONT'D)

600.1	am (P-2356)	165.10	n (P-14686/94; A-1915)
600.300	am (P-2356)	165.20	n (P-14686/94; A-1915)
600.320	am (P-2356)	165.30	n (P-14686/94; A-1915)
600.670	am (P-2356)	165.40	n (P-14686/94; A-1915)
600.76E	am (P-2356)	165.50	n (P-14686/94; A-1915)
1400.146	am (P-1164)	165.60	n (P-14686/94; A-1915)
1400.147	am (P-1164)	165.70	n (P-14686/94; A-1915)

TITLE 11

311.15	n (P-568)	165.90	n (P-14686/94; A-1915)
311.25	n (P-568)	165.90	am (P-14189/94; A-1808)
311.35	n (P-568)	550.50	am (P-14189/94; A-1808)
311.40	am (P-568)	550.60	am (P-14189/94; A-1808)

TITLE 14 (CONT'D)

130.100	am (P-2733)	130.70	am (P-1378)
130.135	n (P-2733)	130.80	am (P-1378)
130.200	am (P-2733)	130.80	am (P-1378)
130.441	am (P-2733)	130.80	am (P-1378)
130.538	am (P-2733)	130.80	am (P-1378)
130.810	am (P-2733)	130.80	am (P-1378)
130.811	r (P-2733)	130.80	am (P-1378)
130.820	am (P-2733)	130.80	am (P-1378)
130.840	am (P-2733)	130.80	am (P-1378)

TITLE 17 (CONT'D)	(P-1414)	(P-1414)	TITLE 23 (CONT'D)	(E-976)	(P-2144)	TITLE 35 (CONT'D)	(P-2144)	TITLE 41 (CONT'D)	(P-2576)	TITLE 47 (CONT'D)	(P-1452)(E-1921)	
650.65	n	401.210	2764.30	n	870.211	am	200.270	r	601.10	r	386.504	n
650.67	n	PF-2317	2764.40	n	870.212	r	200.280	r	601.20	r	386.601	n
650.23	am	PF-2317	2764.50	n	870.213	am	200.290	r	601.30	r	386.602	n
680.10	am	PF-2317	2765.10	n	870.302	am	200.300	r	601.40	r	386.603	n
680.20	am	PF-2317	2765.20	n	870.303	am	200.310	r	601.50	r	386.604	n
680.22	am	PF-2317	2765.30	n	870.304	am	200.320	r	601.60	r		
680.25	am	PF-2317	2765.40	n	870.305	am	200.330	r	601.70	r		
680.30	am	PF-2317	2765.50	n	870.306	am	200.340	am	601.80	r		
680.40	am	PF-2317	2766.10	n	870.307	r			601.90	r		
680.50	am	PF-2317	2766.20	n	870.308	am			601.100	r		
680.60	am	PF-2317	2766.30	n	870.309	am			601.110	r		
680.70	am	PF-2317	2766.40	n	870.310	am			601.120	r		
680.21	am	PF-2317	2771.20	am	871.101	am			601.130	r		
680.22	am	PF-2317	2771.30	am	871.102	am			601.140	r		
680.23	am	PF-2317	2771.40	am	871.201	am			601.150	r		
680.24	am	PF-2317	2771.50	am	871.202	am			601.160	r		
680.25	am	PF-2317	2771.60	am	871.203	am			601.170	r		
680.26	am	PF-2317	2771.70	am	871.204	am			601.180	r		
680.27	am	PF-2317	2771.80	am	871.205	am			601.190	r		
680.28	am	PF-2317	2771.90	am	871.206	am			601.200	r		
680.29	am	PF-2317	2772.00	am	871.301	am			601.210	r		
680.30	am	PF-2317	2772.10	am	871.302	am			601.220	r		
680.31	am	PF-2317	2772.20	am	871.303	am			601.230	r		
680.32	am	PF-2317	2772.30	am	871.304	am			601.240	r		
680.33	am	PF-2317	2772.40	am	871.305	am			601.250	r		
680.34	am	PF-2317	2772.50	am	871.402	am			601.260	r		
680.35	am	PF-2317	2772.60	am	871.403	am			601.270	r		
680.36	am	PF-2317	2772.70	am	871.501	am			601.280	r		
680.37	am	PF-2317	2772.80	am	871.502	am			601.290	r		
680.38	am	PF-2317	2772.90	am	871.503	am			601.300	r		
680.39	am	PF-2317	2773.00	am	871.602	am			601.310	r		
680.40	am	PF-2317	2773.10	am	871.603	am			601.320	r		
680.41	am	PF-2317	2773.20	am	871.604	am			601.330	r		
680.42	am	PF-2317	2773.30	am	871.605	am			601.340	r		
680.43	am	PF-2317	2773.40	am	871.606	am			601.350	r		
680.44	am	PF-2317	2773.50	am	871.607	am			601.360	r		
680.45	am	PF-2317	2773.60	am	871.608	am			601.370	r		
680.46	am	PF-2317	2773.70	am	871.609	am			601.380	r		
680.47	am	PF-2317	2773.80	am	871.610	am			601.390	r		
680.48	am	PF-2317	2773.90	am	871.611	am			601.400	r		
680.49	am	PF-2317	2774.00	am	871.612	am			601.410	r		
680.50	am	PF-2317	2774.10	am	871.613	am			601.420	r		
680.51	am	PF-2317	2774.20	am	871.614	am			601.430	r		
680.52	am	PF-2317	2774.30	am	871.615	am			601.440	r		
680.53	am	PF-2317	2774.40	am	871.616	am			601.450	r		
680.54	am	PF-2317	2774.50	am	871.617	am			601.460	r		
680.55	am	PF-2317	2774.60	am	871.618	am			601.470	r		
680.56	am	PF-2317	2774.70	am	871.619	am			601.480	r		
680.57	am	PF-2317	2774.80	am	871.620	am			601.490	r		
680.58	am	PF-2317	2774.90	am	871.621	am			601.500	r		
680.59	am	PF-2317	2775.00	am	871.622	am			601.510	r		
680.60	am	PF-2317	2775.10	am	871.623	am			601.520	r		
680.61	am	PF-2317	2775.20	am	871.624	am			601.530	r		
680.62	am	PF-2317	2775.30	am	871.625	am			601.540	r		
680.63	am	PF-2317	2775.40	am	871.626	am			601.550	r		
680.64	am	PF-2317	2775.50	am	871.627	am			601.560	r		
680.65	am	PF-2317	2775.60	am	871.628	am			601.570	r		
680.66	am	PF-2317	2775.70	am	871.629	am			601.580	r		
680.67	am	PF-2317	2775.80	am	871.630	am			601.590	r		
680.68	am	PF-2317	2775.90	am	871.631	am			601.600	r		
680.69	am	PF-2317	2776.00	am	871.632	am			601.610	r		
680.70	am	PF-2317	2776.10	am	871.633	am			601.620	r		
680.71	am	PF-2317	2776.20	am	871.634	am			601.630	r		
680.72	am	PF-2317	2776.30	am	871.635	am			601.640	r		
680.73	am	PF-2317	2776.40	am	871.636	am			601.650	r		
680.74	am	PF-2317	2776.50	am	871.637	am			601.660	r		
680.75	am	PF-2317	2776.60	am	871.638	am			601.670	r		
680.76	am	PF-2317	2776.70	am	871.639	am			601.680	r		
680.77	am	PF-2317	2776.80	am	871.640	am			601.690	r		
680.78	am	PF-2317	2776.90	am	871.641	am			601.700	r		
680.79	am	PF-2317	2777.00	am	871.642	am			601.710	r		
680.80	am	PF-2317	2777.10	am	871.643	am			601.720	r		
680.81	am	PF-2317	2777.20	am	871.644	am			601.730	r		
680.82	am	PF-2317	2777.30	am	871.645	am			601.740	r		
680.83	am	PF-2317	2777.40	am	871.646	am			601.750	r		
680.84	am	PF-2317	2777.50	am	871.647	am			601.760	r		
680.85	am	PF-2317	2777.60	am	871.648	am			601.770	r		
680.86	am	PF-2317	2777.70	am	871.649	am			601.780	r		
680.87	am	PF-2317	2777.80	am	871.650	am			601.790	r		
680.88	am	PF-2317	2777.90	am	871.651	am			601.800	r		
680.89	am	PF-2317	2778.00	am	871.652	am			601.810	r		
680.90	am	PF-2317	2778.10	am	871.653	am			601.820	r		
680.91	am	PF-2317	2778.20	am	871.654	am			601.830	r		
680.92	am	PF-2317	2778.30	am	871.655	am			601.840	r		
680.93	am	PF-2317	2778.40	am	871.656	am			601.850	r		
680.94	am	PF-2317	2778.50	am	871.657	am			601.860	r		
680.95	am	PF-2317	2778.60	am	871.658	am			601.870	r		
680.96	am	PF-2317	2778.70	am	871.659	am			601.880	r		
680.97	am	PF-2317	2778.80	am	871.660	am			601.890	r		
680.98	am	PF-2317	2778.90	am	871.661	am			601.900	r		
680.99	am	PF-2317	2779.00	am	871.662	am			601.910	r		
680.100	am	PF-2317	2779.10	am	871.663	am			601.920	r		
680.101	am	PF-2317	2779.20	am	871.664	am			601.930	r		
680.102	am	PF-2317	2779.30	am	871.665	am			601.940	r		
680.103	am	PF-2317	2779.40	am	871.666	am			601.950	r		
680.104	am	PF-2317	2779.50	am	871.667	am			601.960	r		
680.105	am	PF-2317	2779.60	am	871.668	am			601.970	r		
680.106	am	PF-2317	2779.70	am	871.669	am			601.980	r		
680.107	am	PF-2317	2779.80	am	871.670	am			601.990	r		
680.108	am	PF-2317	2779.90	am	871.671	am			602.000	r		
680.109	am	PF-2317	2780.00	am	871.672	am			602.010	r		
680.110	am	PF-2317	2780.10	am	871.673	am			602.020	r		
680.111	am	PF-2317	2780.20	am	8							

ILLINOIS REGISTER
 Volume 19, Issue #10 SECTIONS AFFECTED INDEX March 10, 1995

TITLE 89 (CONT'D)
 408.65 am (P-2700/94; RC-2315; A-2784)
 408.105 am (P-2700/94; A-2784)
 428.10 am (P-561/94; A-1043)
 428.20 am (P-561/94; A-1043)
 428.30 am (P-561/94; A-1043)
 428.40 am (P-561/94; A-1043)
 428.50 n (P-561/94; A-1043)
 428.60 am (P-561/94; A-1043)
 428.70 am (P-561/94; A-1043)
 428.80 am (P-561/94; A-1043)
 428.90 am (P-561/94; A-1043)
 428.1150 am (P-561/94; A-1043)
 434.7 am (P-8777/94; A-2760)
 553.20 am (P-842)
 553.35 n (P-13048/94; A-1834)
 553.50 am (P-13048/94; A-1834)
 553.60 am (P-13048/94; A-1834)
 553.105 n (P-13048/94; A-1834)
 553.110 am (P-13048/94; A-1834)
 557.20 n (P-839)
 557.50 n (P-12625/94; A-2473)
 557.60 n (P-12048/94; A-1135)
 562.20 am (P-846)
 562.30 am (P-846)
 590.250 am (P-28)

TITLE 92
 1001.600 n (P-341/E54)
 1001.610 n (P-341/E54)
 1001.620 n (P-341/E54)
 1001.630 n (P-341/E54)
 1001.640 n (P-341/E54)
 1001.650 n (P-341/E54)
 1001.660 n (P-341/E54)
 1001.670 n (P-341/E54)
 1001.680 n (P-341/E54)
 1001.690 n (P-341/E54)
 1202.60 n (P-522)
 1205.10 am (P-525)
 1205.100 am (P-525)
 1536.10 n (P-2550)
 1536.20 n (P-2550)
 1536.30 n (P-2550)
 1536.40 n (P-2550)
 1536.50 n (P-2550)
 1536.60 n (P-2550)

TITLE 95
 122.10 n (P-2757)
 122.20 n (P-2757)
 122.30 n (P-2757)
 122.40 n (P-2757)

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