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ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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Editor's Notes: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

Issue 41 - October	11, 2002:	Data through	September	30, 2002 (3rd Quarter)
Issue 3 - January	10, 2003:	Data through	December	31, 2002 (Annual)
Issue 15 - April	11, 2003:	Data through	March	31, 2003 (1st Quarter)
Issue 28 - July	11, 2003:	Data through	June	30, 2003 (2nd Quarter)
Issue 41 - October	10, 2003:	Data through	September	29, 2003 (3rd Quarter)
Issue 2 - January	9, 2004:	Data through	December	29, 2003 (Annual)

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 will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

Rulemaking activity consist 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 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'

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Issue#	Copy Due by 4:30 pm	Publication Date	Issue#	Copy Due by 4:30 pm	Publication Date
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Issue 2	January 01, 2002	January 11, 2002	Issue 39	September 16, 2002	September 27, 2002
Issue 3	January 07, 2002	January 18, 2002	Issue 40	September 23, 2002	October 04, 2002
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Issue 8	February 11, 2002	February 22, 2002	Issue 45	October 28, 2002	November 08, 2002
Issue 9	February 19, 2002	March 01, 2002	Issue 46	November 04, 2002	November 15, 2002
Issue 10	February 25, 2002	March 08, 2002	Issue 47	November 12, 2002	November 25, 2002
Issue 11	March 04, 2002	March 15, 2002	Issue 48	November 18, 2002	November 29, 2002
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Issue 33	August 05, 2002	August 16, 2002			
Issue 34	August 12, 2002	August 23, 2002			
Issue 35	August 19, 2002	August 30, 2002			
Issue 36	August 26, 2002	September 06, 2002			
Issue 37	September 02, 2002	September 13, 2002			

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities
- 2) Code Citation: 44 Ill. Adm. Code 10
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
10.64	Amend
10.100	Amend
- 4) Statutory Authority: Implementing and authorized by the Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575].
- 5) A Complete Description of the Subjects and Issues Involved: The amendment reflects the change made by Public Act 92-670 raising from \$14,000,000 to \$27,000,000 the annual gross sales a company may have and be eligible for standard certification as a company owned and controlled by minorities, females and persons with disabilities.
- 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 amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand 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: Interested persons may submit written comments within 45 days after the date of publication to:

Stephen W. Seiple
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706
217/782-9669
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for the rulemaking was not anticipated at the time the agendas were prepared .

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS, AND PROPERTY
MANAGEMENT

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 10

BUSINESS ENTERPRISE PROGRAM: CONTRACTING WITH BUSINESSES OWNED
AND CONTROLLED BY MINORITIES, FEMALES AND PERSONS WITH DISABILITIES

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- 10.05 Introduction
- 10.10 Definitions

SUBPART B: GOAL AND GOAL MEASUREMENT

Section

- 10.20 Goal
- 10.21 Contracts and Expenditures Subject to the Goal
- 10.22 Categories of Contracts and Expenditures Exempt from Goal
- 10.23 Council Review of Agency Requests for Specific Exemptions
- 10.24 Goal Measurement
- 10.25 Subcontracting

SUBPART C: AGENCY COMPLIANCE AND REPORTING

Section

- 10.30 Agency Compliance
- 10.35 Professional and Artistic Contract Reporting

SUBPART D: PROGRAM ELIGIBILITY

Section

- 10.40 Program Eligibility

SUBPART E: CERTIFICATION

Section

- 10.50 General
- 10.55 List of Certified Businesses

SUBPART F: CERTIFICATION REQUIREMENTS AND PROCEDURES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section

- 10.60 Application
- 10.61 Applicant Requirements
- 10.62 Time to Determine Eligibility
- 10.63 Certification by Other Certifying Entities
- 10.64 ~~\$27,000,000~~ ~~\$14,000,000~~ Sales Limitation; Exception
- 10.65 Citizenship/Permanent Residency
- 10.66 Ownership/Control by Members of Eligible Groups
- 10.67 Ownership
- 10.68 Control
- 10.69 Notice of Certification or Denial

SUBPART G: RECONSIDERATION, DECERTIFICATION AND RECERTIFICATION

Section

- 10.70 Review and Reconsideration
- 10.71 Decertification Process
- 10.72 Recertification Process

SUBPART H: SPECIAL ASSISTANCE FOR CERTIFIED BUSINESSES

Section

- 10.80 Special Assistance

SUBPART I: CONTRACT REQUIREMENTS

Section

- 10.90 Change in Eligibility
- 10.91 Contract Commitment; Good Faith Effort

SUBPART J: VIOLATIONS BY VENDOR

Section

- 10.100 Violations by Vendor

AUTHORITY: Implementing and authorized by the Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 12584, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 20560, effective November 16, 1998; amended at 25 Ill. Reg. 4831, effective March 19, 2001; amended at 26 Ill. Reg. _____, effective _____.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: CERTIFICATION REQUIREMENTS AND PROCEDURES

Section 10.64 ~~\$27,000,000~~ ~~\$14,000,000~~ Sales Limitation; Exception

- a) Annual gross sales of the applicant business for its most recent fiscal year must be less than ~~\$27~~ ~~\$14~~-million.
- 1) In determining the annual gross sales, sales of any affiliated business shall also be counted.
 - 2) An affiliated business is one related to the other by virtue of significant commonality of management, or commonality of ownership (at least 5% of one company owned by owner or management personnel of the other). Other factors that may be considered in determining affiliation include, but are not limited to, sharing of office space, workers or equipment.
- b) A business with annual gross sales of ~~\$27~~ ~~\$14~~-million or more in its most recent fiscal year is eligible to participate in the program if the business can show that if it were to receive a particular contract or subcontract, there would be a significant impact on employment of minorities, females or persons with disabilities, or in the use of BEP certified subcontractors or suppliers.
- 1) For the impact to be significant in terms of employment, the business would have to hire new employees to perform the work of the contract and at least 51% of those new hires must be minority, female or persons with disabilities.
 - 2) For the impact to be significant in terms of use of subcontractors or suppliers, the business must direct 51% of the value of the contract to BEP certified vendors as subcontractors or suppliers.
- Such vendors must meet all certification requirements but will not be certified or be listed in the Directory.
- c) If the business makes contractual commitments regarding hiring or use ~~of~~ ~~or~~ subcontractors or suppliers, agrees to appropriate enforcement mechanisms, such as bonding or damage provisions, and meets the other requirements for certification, the Secretary, on behalf of the Council, will approve counting expenditures under that contract toward the agency's goal.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART J: VIOLATIONS BY VENDOR

Section 10.100 Violations by Vendor

Should a vendor violate the Act, this Part, or the terms of contracts let pursuant to this Program, the State may pursue any or all of the following actions.

- a) A certified vendor may be decertified and an applicant for certification may be denied certification for reasons including, but not limited to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) refusal to supply information sufficient for the Secretary or the Council to make a determination for eligibility or continued eligibility;
 - 2) refusal to supply additional proof of eligibility for the Program, particularly after receiving a contract with Section 10.80 (Special Assistance) provisions;
 - 3) accepting a contract with Section 10.80 (Special Assistance) provisions when the vendor does not qualify for the Program; or
 - 4) any other violation of the Act or this Part.
- b) The State may cancel, without penalty to the State, any contract entered into by a vendor in violation of:
- 1) the Act or this Part;
 - 2) the requirements of a contract let with Section 10.80 (Special Assistance) provisions; or
 - 3) commitments regarding use of certified vendors, including, but not limited to, those in Section 10.64 (~~\$27,000,000~~ \$14,000,000 Sales Limitation; Exception) and Section 10.91 (Contract Commitment; Good Faith Effort).
- c) In the case of a cancellation under subsection (b)(2) or (b)(3), the amount of profit applicable to amounts paid to the vendor shall be withheld from any amounts owed to the vendor. If the amount owed the vendor is insufficient to off-set profits, the vendor shall be liable to pay back to the State any balance of those profits. The profit rate shall be deemed 20% unless a lesser or greater amount can be conclusively proved.
- d) The Secretary may suspend a vendor from the program for a period of no more than one year and a contracting agency may cancel a contract for a violation of:
- 1) the Act or this Part;
 - 2) the requirements of a contract let with Section 10.80 (Special Assistance) provisions; or
 - 3) commitments regarding use of certified vendors, including, but not limited to, those in Section 10.64 (~~\$27,000,000~~ \$14,000,000 Sales Limitation; Exception) and Section 10.91 (Contract Commitment; Good Faith Effort).
- e) Depending on the seriousness of the violation, the suspension shall be:
- 1) from participation in the BEP ~~Program program~~; or
 - 2) from further contracting with the State.
- f) A vendor may appeal any of the actions of the Council taken pursuant to this Section in the same manner as a vendor denied certification (see Subpart G of this Part).
- g) The Secretary shall notify the Chief Procurement Officers, State Purchasing Officers and other interested parties of the revocation of certification or of suspension.
- h) If any agency finds or suspects that a business is in violation of the Act or of this Part, ~~the such~~ violation should be reported to the Secretary as soon as practicable after the finding.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Campaign Financing Act
- 2) Code Citation: 26 Ill. Adm. Code 100
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
100.70	Amend
100.170	Amend
- 4) Statutory Authority: Implements Article 9 of the Illinois Election Code and authorized by Section 9-15(3) of the Illinois Election Code (10 ILCS 5/9-1 et seq., and 9-15(3)).
- 5) A Complete Description of the Subjects and Issues Involved: 100.70 – Revises the schedule of civil penalties to conform to the requirements of P.A. 90-737 after the dismissal by the Illinois Supreme Court of the constitutional challenges to that Act.

100.170 – Allows beginning balances to be taken into consideration in determining if a political committee needs to identify a sponsoring entity
- 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
- 10) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on the State Board of Elections' web site, www.elections.state.il.us/. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to the:

State Board of Elections
A.L. Zimmer, General Counsel
James R. Thompson Center
100 West Randolph Street
Suite 14-100
Chicago IL 60601
312/814-6477

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

or at a public hearing to be held on August 29, 2002 at the State Board of Elections permanent branch office in the James R. Thompson Center, 100 W. Randolph Street, Chicago, Illinois, and on September 16, 2002 at the Board's principal office, 1020 S. Spring Street, Springfield, Illinois. Please contact the Board's offices for verification of hearing time, room and date.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types 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
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for this rulemaking was not anticipated at the time the agendas were prepared.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 100

THE CAMPAIGN FINANCING ACT

Section

- 100.10 Definitions
- 100.20 Official Forms
- 100.30 Forwarding of Documents (Repealed)
- 100.40 Vacancies in Office - Custody of Records
- 100.50 Multiple Filings by State and Local Committees
- 100.60 Filing Option for a Federal Political Committee
- 100.70 Reports of Contributions and Expenditures
- 100.80 Report Forms
- 100.90 Provision Circumvention
- 100.100 Proof of Identification; Application for Inspection and Copying (Repealed)
- 100.110 Loans by One Political Committee to Another
- 100.120 Receipt of Campaign Contributions
- 100.130 Reporting by Certain Not-for-Profit Organizations
- 100.140 Prohibited Contributions
- 100.150 Electronic Filing of Reports
- 100.160 Good Faith
- 100.170 Sponsoring Entity

AUTHORITY: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211; amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990; amended at 16 Ill. Reg. 6982, effective April 21, 1992; amended at 18 Ill. Reg. 14707, effective September 9, 1994; amended at 21 Ill. Reg. 10044, effective July 21, 1997; emergency amendment at 23 Ill. Reg. 719, effective January 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6796, effective May 24, 1999; emergency amendment at 24 Ill. Reg. 13039, effective August 9, 2000, for a maximum of 150 days; emergency expired January 5, 2001; amended at 24 Ill. Reg. 14214, effective September 11, 2000; amended at 26 Ill. Reg. _____, effective _____.

Section 100.70 Reports of Contributions and Expenditures

- a) Reference: This Section interprets or applies Sections 9-10, 9-13, and 9-14 of the Election Code.
- b) For purposes of determining the amount of contributions of \$500 or more under Section 9-10(b-5) of the Act, all contributions received between the last date of the

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

period covered by the last report filed prior to the election and the election from a single person, as defined in Section 9-1.6, shall be aggregated and treated as one.

- c) An expenditure to a payee who is in whole or in part only a conduit for payment to another, such as a political consultant or a credit card issuer, must include by way of detail or separate entry the amount of funds passing to each vendor, business entity or person to receive funds from the payment, together with the reason for each such disbursement and the beneficiary of the disbursement. Nothing in this Section shall be construed to impose a reporting obligation on any person not otherwise required to report under Article 9 of the Election Code, or to require the itemization of expenditures not otherwise required to be itemized under Article 9 of the Election Code.
- d) A committee which, having filed a Statement of Non-Participation, makes a subsequent contribution to a candidate who will appear on the ballot at the next election shall file a Pre-Election Report within five days after making the contribution, or if the contribution is made during the five days immediately prior to the election, within 24 hours after making the contribution.

e) Political committees must file pre-election reports or non-participation reports.

1) Every active political committee must file a pre-election report and A-1 reports in conjunction with every next election unless:

A) the political committee is not, by the terms of its D-1 Statement of Organization, organized to support or oppose a candidate or public question on the ballot at the next election; and

B) the political committee makes no expenditures, including in-kind contributions, in excess of \$500 on behalf of or in opposition to any candidate or public question on the ballot at an election, aggregating all expenditures during the pre-election reporting period and the A-1 reporting period.

An active political committee that meets both requirements of this subsection (e)(1) shall be deemed a non-participating political committee and shall file, in lieu of a pre-election report, a Statement of Non-Participation for the next election.

- 2) Once a non-participating political committee makes an expenditure in excess \$500, aggregating all expenditures during the pre-election reporting period and the A-1 reporting period and including in-kind contributions, on behalf of or in opposition to any candidate or public question on the ballot at an election, the non-participating political committee becomes a participating political committee and shall file a pre-election report in accord with subsection (d) of this Section. In cases where the political committee, having filed a Statement of Non-participation, becomes a participating political committee under the provisions of this subsection (e) and does not, as required by subsection (d) of this Section, promptly file its pre-election report, the Board will assess a civil penalty against the political committee for failing to file or for delinquently filing a pre-election report as stated in 26 Ill. Adm. Code 125.425(e)(3) and (e)(4). The

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Board shall cease the calculation of the fine on the day of the election. If the fine calculated is greater than the amount of total expenditures made by the political committee on behalf of or in opposition to any candidate or public question on the ballot at an election, from the beginning of the pre-election reporting period to the day before the election, the fine shall not exceed the total expenditures made.

- 3) Once a non-participating political committee becomes a participating political committee by the events described in subsection (e)(2), the political committee shall file A-1 reports as required by 10 ILCS 5/9-10. The Board shall assess a civil penalty against a political committee for failing to file or for delinquently filing an A-1 report as stated in 26 Ill. Adm. Code 125.425(e)(5) and (e)(6). The Board shall cap the fine on the next election day, or the day thereafter if the committee received the reportable A-1 contribution the day before the next election day. The Board shall assess a total civil penalty proportionate to the amount contributed by the committee by multiplying the total calculated penalty by a fraction whose numerator is the total aggregate contributions to other political committees, including in-kind contributions, and whose denominator is the total aggregate contributions that were required to be reported but were in fact unreported, provided that the fine for failing to file or delinquently filing A-1 reports shall not be greater than the amount of expenditures made by a non-participating political committee on behalf of or in opposition to any candidate or public question on the ballot at an election.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 100.170 Sponsoring Entity

- a) A sponsoring entity is a person that contributes not less than 33% of the total funding of any political committee.
- b) A person contributes not less than 33% of the total funding of a committee if, at any time during a semi-annual reporting period following the 30th day after the committee has filed its statement of organization, 33% of the committee's gross receipts, including in-kind contributions, ~~comes~~ ~~come~~ from the person.
- c) Person includes natural persons, corporations, partnerships, political committees and unincorporated associations.
- d) Gross receipts are the sum of the funds available at the beginning of the reporting period plus the total receipt for the semi-annual period.
- e) ~~d)~~ Each political committee shall include in its name the name of its sponsoring entity.
- f) ~~e)~~ If at any time during a semi-annual reporting period a committee that has not previously identified a sponsoring entity receives 33% of its gross receipts during that semi-annual reporting period from a single person, the committee must amend its Statement of Organization to identify the sponsoring entity.

STATE BOARD OF ELECTIONS

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- g) Political committees, the names of which include the name of the candidate supported by the committee, the name of an established political party as that term is used in 10 ILCS 5/Art. 7, or the name of a new political party as that term is used in 10 ILCS 5/Art. 10 satisfies the requirements of this Section without the need for further statement of sponsoring entity in the name of the committee.
- h) The name of the sponsoring entity shall be the full name of the person, and not an acronym.
- i) A committee is required to identify its sponsoring entity so long as it receives not less than 33% of its gross receipts from a single person. A committee may amend its Statement of Organization to delete the name of its sponsoring entity from its name if for two consecutive semi-annual reporting periods it fails to receive not less than 33% of its gross receipts from a single person.
- j) If at any time during a semi-annual reporting period a committee that has identified a sponsoring entity receives not less than 33% of its gross receipts from a different single person than the person identified as its sponsoring entity, it shall amend its Statement of Organization to include in its name the name of the new sponsoring entity.
- k) If a committee receives support from two or more persons, each one of which would independently of the other meet the definition of a sponsoring entity, the name of the committee shall include all such persons.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

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- 1) Heading of the Part: Practice and Procedure
- 2) Code Citation: 26 Ill. Adm. Code 125
- 3) Sections Number: 125.425 Proposed Action: Amend
- 4) Statutory Authority: Implements Article 9 of the Illinois Election Code and authorized by Section 9-15(3) of the Illinois Election Code (10 ILCS 5/9-1 et seq., and 9-15(3)).
- 5) A Complete Description of the Subjects and Issues Involved: Expunges prior violations of political committees which have had no subsequent violations for a continuous two year period.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain in corporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: The proposed amendment does not require expenditures by units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The text of the proposed amendment is posted on the State Board of Elections' web site, www.elections.state.il.us/. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to:
State Board of Elections
A. L. Zimmer, General Counsel
James R. Thompson Center
100 West Randolph Street
Suite 14-100
Chicago IL 60601
312/814-6477

or at a public hearing to be held on August 29, 2002 at the State Board of Elections permanent branch office in the James R. Thompson Center, 100 W. Randolph Street, Chicago, Illinois, and on September 16, 2002 at the Board's principal office, 1020 S.

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Spring Street, Springfield, Illinois. Please contact the Board's offices for verification of hearing time, room and date.

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for this rulemaking was not anticipated at the time the agendas were proposed.

The full text of the Proposed Amendment begins on the following page.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 125

PRACTICE AND PROCEDURE

SUBPART A: DEFINITION AND GENERAL PROVISIONS

Section	
125.5	Applicability
125.10	Definitions
125.15	Board Offices and Business Hours
125.20	Documents Pertaining to Hearings
125.30	Form of Documents
125.40	Service of Documents
125.50	Computation of Time
125.55	Time of Notices
125.60	Appearances
125.70	Non-Legal Assistance
125.75	Parties
125.80	Answer
125.90	Qualifications of Hearing Examiner
125.95	Authority of Hearing Examiner
125.100	Disqualification of Hearing Examiner
125.110	Motions
125.115	Consolidation and Severance of Claims: Additional Parties
125.120	Amendments
125.130	Intervention
125.135	Pre-hearing Conferences
125.140	Settlement Pursuant to Conference
125.150	Record of Conferences
125.160	Continuances
125.170	Order of Proceedings
125.175	Failure of Party to Appear
125.180	Evidence
125.185	Official Notice
125.190	Examination of Adverse Party or Agent
125.192	Participation by Board Members and Staff
125.195	Hostile Witnesses
125.197	Admission of Business Records in Evidence
125.199	Compelling Appearance at Hearing

SUBPART B: CLOSED PRELIMINARY HEARINGS

STATE BOARD OF ELECTIONS

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Section	
125.210	Applicability
125.220	Commencement of Proceeding
125.230	Form of Complaint
125.235	Board Members as Complainants
125.240	Service of Complaint
125.245	Appointment of Examiner - Order of Closed Preliminary Hearing
125.250	Time of Preliminary Hearing (Repealed)
125.252	Scope of Preliminary Hearing - Procedures - Evidence
125.253	Responsibilities of the General Counsel
125.254	Stipulated Settlement
125.255	Transcript of Preliminary Hearing (Repealed)
125.260	Report of Hearing Examiner (Repealed)
125.262	Board Determination
125.265	Judicial Review
125.270	Record of Preliminary Hearing on Appeal Administrative Review
125.272	Order of Public Hearing
125.275	Time and Conduct of Public Hearing (Repealed)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

Section	
125.310	Applicability
125.320	Initiation of Hearing
125.330	Appointment of Hearing Examiner
125.340	Notice of Hearing
125.350	Discovery Procedures
125.360	Subpoenas
125.370	Transcript of Proceedings
125.380	Official Record
125.390	Briefs and Oral Argument

SUBPART D: FINAL ORDERS

Section	
125.410	Hearing Examiners Report
125.420	Order of the Board; Civil Penalties
125.425	Civil Penalty Assessments
125.430	Enforcement Actions in the Circuit Court
125.440	Reconsideration

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS

STATE BOARD OF ELECTIONS

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PURSUANT TO SECTION 9-18

Section

- 125.510 Applicability (Repealed)
- 125.520 Staff Review and Enforcement of Reporting Requirements
- 125.530 Compliance Conference
- 125.540 Staff Initiated Complaint (Repealed)
- 125.550 Investigations, Inquiries or Hearings

SUBPART F: RULEMAKING AND NON-ADJUDICATIVE HEARINGS

Section

- 125.610 Applicability
- 125.620 Adoption of Rules
- 125.630 Non-Adjudicative Hearings
- 125.640 Notice of Hearing
- 125.650 Conduct of the Hearing
- 125.660 Examination of Witness
- 125.670 Record
- 125.680 Report of Hearing

SUBPART G: ADVISORY OPINIONS

Section

- 125.710 Advisory Opinions
- 125.720 Reconsideration of Advisory Opinions
- 125.730 Public Availability of Advisory ~~Opinions~~ ~~Opinion~~
- 125.740 Conflict Between this Part and the APA

SUBPART H: MISCELLANEOUS PROVISIONS

Section

- 125.810 Ex Parte Communications
- 125.820 Effective Date
- 125.830 Interpretation
- 125.840 Severability

AUTHORITY: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23].

SOURCE: Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230, effective December 16, 1982; amended at 7 Ill. Reg. 239, effective December 16, 1982; amended at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278;

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amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective June 22, 1990; amended at 16 Ill. Reg. 6986, effective April 21, 1992; amended at 19 Ill. Reg. 6546, effective May 1, 1995; emergency amendment at 23 Ill. Reg. 1122, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6807, effective May 24, 1999; amended at 24 Ill. Reg. 14203, effective September 11, 2000; amended at 26 Ill. Reg. _____, effective _____.

SUBPART D: FINAL ORDERS

Section 125.425 Civil Penalty Assessments

- a) As used in this Section, "authorizing candidate" means any candidate who has at any time during the reporting period for the report in question or prior thereto filed with the committee an authorization in accordance with Section 9-8 of the Election Code.
- b) A report required to be filed within a specified time pursuant to Section 9-10 of the Election Code is delinquent if not received by the Board on or before the due date. ~~Documents~~ ~~Document(s)~~ are deemed received by the Board as of the date date-stamped by Board staff on the documents ~~document(s)~~ submitted.
- c) If a report is or continues to be delinquent it is subject to an increasing civil penalty as set out in subsection (e) of this Section, until received by the Board.
- d) When a report required by Section 9-10 of the Election Code is delinquent, the Board will send notice of delinquency to the chairman and the treasurer of each delinquent State, State and local, and local political committee together with an Order assessing a civil penalty calculated in accord with subsection (e). The notice of delinquency and Order shall also be sent to any candidate listed by name on that committee's Statement of Organization. The notice of delinquency shall state that the Board has issued a civil penalty that will be final unless the committee shows cause in accord with subsection (f) why the penalty should not be assessed.
- e) The Board will calculate the civil penalty for each day of delinquency as follows:
 - 1) If its total receipts, total expenditures, and the balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000 or less, and if the delinquent report is a semi-annual report, the political committee shall be assessed a fine of \$25 per business day for the first violation, \$50 per business day for the second violation, and \$75 per business day for the third and each subsequent violation to a maximum of \$5000, except that, if the committee is formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000, provided that the civil penalty for any committee shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late;
 - 2) If its total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000, and if the delinquent report is a semi-annual report, the political committee shall be assessed a fine of \$50 per business day for the first violation, \$100 per business

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day for the second violation, and \$200 per business day for the third and each subsequent violation to a maximum of \$5000, except that, if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000, provided that the civil penalty for any committee shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late;

- 3) If its total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000 or less and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$100 per business day for the first violation, \$200 per business day for the second violation, and \$300 per business day for the third and each subsequent violation to a maximum of \$5000, except that, if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000, provided that the civil penalty for any committee shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late;
- 4) If its total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000, and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$200 per business day for the first violation, \$400 per business day for the second violation, and \$600 per business day for the third and each subsequent violation to a maximum of \$5000, except that, if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000, provided that the civil penalty shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late;
- 5) If its total receipts, total expenditures, and balance remaining at the end of the most recent semi-annual report are each \$5000 or less, and if the delinquent report is an A-1 report required by Section 9-10(b)(5) of the Election Code, the political committee shall be assessed a fine of \$100 per business day for the first violation, \$200 per business day for the second violation, and \$300 per business day for the third and each subsequent violation to a maximum of \$5000, except that, if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000;
- 6) If its total receipts, total expenditures, or balance remaining at the end of the most recent semi-annual report exceeds \$5000, and if the delinquent report is an A-1 report, the political committee shall be assessed a fine of \$200 per business day for the first violation, \$400 per business day for the second violation, and \$600 per business day for the third and each subsequent violation to a maximum of \$5000, except that, if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000;

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- 7) If the political committee was created subsequent to the last semi-annual reporting period, and if the delinquent report is an A-1 report, the political committee shall be assessed a fine of \$100 per business day for the first violation, \$200 per business day for the second violation, and \$300 per business day for the third and subsequent violation to a maximum of \$5000, except that, if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000.
- f) In addition to the civil penalties provided for in Section 9-10(b) of the Election Code, a committee or organization required to report under the Election Code may, for violations of provisions of Article 9 of the Election Code other than delinquent filing, be assessed a civil penalty under the provisions of Section 9-23 of the Election Code and this subsection. The Board will calculate civil penalties in accord with subsection (e). A committee that violates both Section 9-10 of the Election Code and an Order of the Board may be liable for separate penalties for each violation. In cases of alleged violation of an Order of the Board brought under the provisions of Section 9-23 of the Election Code, the Board will mail to each committee or organization alleged to be in violation of a Board ~~Order order~~ notice of a proposed civil penalty calculated in accord with the terms of this Part, which proposed penalty shall become effective without further proceedings unless the committee or organization receiving the notice contests the proposed civil penalty. A political committee assessed a civil penalty under Section 9-10(b) for being delinquent in filing a required report or that has received notice of a proposed civil penalty for violation of a Board ~~Order order~~ under Section 9-23 may:
- 1) submit, within 10 days after the mailing of the assessment notice, a request for waiver of appearance and appeal affidavit in the form provided by the Board stating the reasons for requested waiver of appearance and the reasons for the late filing or violation of the Board ~~Order order~~, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths or be made pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109]; or
 - 2) submit, within 10 days after the mailing of the assessment notice, a request for hearing and appeal affidavit in the form provided by the Board stating the reasons for the late filing or violation of the Board Order, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths or be made pursuant to Section 1-109 of the Illinois Code of Civil Procedure ~~[735 ILCS 5/1-109]~~; or
 - 3) pay, within 30 days after the mailing of the assessment notice, the civil penalty assessed. If an appeal affidavit is filed, with or without waiver of appearance, the civil penalty shall not be due until the appeal is determined by the Board.
- g) If a political committee or organization, required to report under the provisions of

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Article 9 of the Election Code, subject to a civil penalty fails, within the time required, to make payment in full of the assessed civil penalty, then the Board shall proceed with efforts at collection pursuant to the Illinois State Collection Act of 1986 [30 ILCS 210]. The Board shall not hear an appeal of a civil penalty imposed for delinquent filing or the violation of a Board ~~Order order~~ if neither a request for waiver of appearance and appeal affidavit nor a request for hearing and appeal affidavit is filed within the time required.

- h) Notwithstanding any provision ~~of this Section herein~~ to the contrary, the Board shall stay the enforcement of any civil penalty in cases of first time violation of a filing deadline and shall stay the enforcement of a civil penalty for the violation of a Board order where the committee organization has voluntarily entered into a stipulation admitting the violation and agreeing to the civil penalty. ~~The Such~~ stay shall continue only so long as no subsequent violations of Article 9 of the Election Code or of Board ~~Orders orders~~ occur. Violation of Article 9 of the Election Code or a Board ~~Order order~~ will cause the civil penalty otherwise stayed to become immediately due and may expose the committee or organization to further liability in accord with this Section.
- i) For the purpose of this Section, second and subsequent violations are deemed to occur with reference to the time the first offense event occurs, not when a hearing, if any is required, concerning ~~the such~~ first offense event is held. The Board may consider two or more allegations of violations at the same hearing, treating the first as an initial violation and the remaining as subsequent violations, imposing appropriate civil penalties for each.
- j) Notwithstanding any other provision of this Section:
- 1) if an active political committee is assessed no more than one civil penalty under Section 9-10 of the Election Code during a two year period, it shall, after two years following the assessment, be considered as never having violated the Section. For a single violation, the two year period begins to run with the mailing of the assessment letter. If an active political committee is assessed more than one civil penalty, and has paid all assessed civil penalties, it shall be considered for assessment purposes as not having violated that Section if it is assessed no other civil penalty during a two year period following receipt of payment by the Board ;
 - 2) if a committee is assessed a single penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, during a two year period beginning with the date of the assessment letter, or the final Board Order if the assessment is appealed and the appeal is denied, any successor committee shall be considered, for assessment purposes, as not having violated that Section if it is assessed no other penalty;
 - 3) if a committee is assessed more than one penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, and the political committee has not paid the civil penalties, any successor committee that subsequently pays all civil penalties due shall be

STATE BOARD OF ELECTIONS

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considered as never having violated that Section, if, for two years from the date of receipt of payment by the Board, the committee is assessed no other civil penalty.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
A.	Amend
201.170	Add
- 4) Statutory Authority: 415 ILCS 5/27.
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is explained in more detail in the Board's first notice opinion and order of July 11, 2002, R02-10, available from the address in item 11 below. The rulemaking was initiated by a proposal filed by the Illinois Environmental Protection Agency to amend Section 201.142 and add Section 201.170. Two hearings were held in Springfield and Chicago on March 20, 2002 and April 9, 2002, respectively. In summary, the proposed amendments exempt certain smaller emissions sources from applying for construction/operating permits whenever the unit is moved to a new site. Units that are eligible under the proposed amendments must fulfill specific requirements that are delineated in the new Section 201.170(a). Under this proposal, the Illinois Environmental Protection Agency may issue a single permit authorizing emission from similar operations by the same source owner or operator at multiple temporary locations, except for sources that are affected sources for acid deposition under Title IV of the Clean Air Act. 415 ILCS 39.5(21)(a).
- 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 contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments are brought under the authority of Section 27 of the Illinois Environmental Protection Act. These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (1992)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R02-10 and be addressed to:

POLLUTION CONTROL BOARD

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Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St.
Suite 11-500
Chicago IL 60601

Address all questions to William Murphy, at 312-814-6062 or murphyw@ipcb.state.il.us.

Request copies of the Board's opinion and order in Docket R02-10 from Dorothy M. Gunn, at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

- 12) Initial Regulatory Flexibility Analysis:
This rulemaking will generally ease duplicitous requirements on owners and operators of small emissions units by decreasing the amount of paperwork that is required for permits for these units.
- A) Types of small businesses affected: Units affected by this rulemaking include: rock crushers, concrete batch plants, debris grinders, and portable generators as well as certain solvent recovery or tank cleaning operations.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking proposes to decrease the amount of paperwork required for permits of small, portable emission units.
- C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the rules will be required.
- 13) Regulatory agenda on which this rulemaking was summarized: July 2002

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONSPART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section	
201.101	Other Definitions
201.102	Definitions
201.103	Abbreviations and Units
201.104	Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section	
201.121	Existence of Permit No Defense
201.122	Proof of Emissions
201.123	Burden of Persuasion Regarding Exceptions
201.124	Annual Report
201.125	Severability
201.126	Repealer

SUBPART C: PROHIBITIONS

Section	
201.141	Prohibition of Air Pollution
201.142	Construction Permit Required
201.143	Operating Permits for New Sources
201.144	Operating Permits for Existing Sources
201.146	Exemptions from State Permit Requirements
201.147	Former Permits
201.148	Operation Without Compliance Program and Project Completion Schedule
201.149	Operation During Malfunction, Breakdown or Startups
201.150	Circumvention
201.151	Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section

POLLUTION CONTROL BOARD

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201.152	Contents of Application for Construction Permit
201.153	Incomplete Applications (Repealed)
201.154	Signatures (Repealed)
201.155	Standards for Issuance (Repealed)
201.156	Conditions
201.157	Contents of Application for Operating Permit
201.158	Incomplete Applications
201.159	Signatures
201.160	Standards for Issuance
201.161	Conditions
201.162	Duration
201.163	Joint Construction and Operating Permits
201.164	Design Criteria
201.165	Hearings
201.166	Revocation
201.167	Revisions to Permits
201.168	Appeals from Conditions
201.169	Special Provisions for Certain Operating Permits
<u>201.170</u>	<u>Portable Emission Units</u>

SUBPART E: SPECIAL PROVISIONS FOR OPERATING
PERMITS FOR CERTAIN SMALLER SOURCES

Section	
201.180	Applicability (Repealed)
201.181	Expiration and Renewal (Repealed)
201.187	Requirement for a Revised Permit (Repealed)

SUBPART F: CAAPP PERMITS

Section	
201.207	Applicability
201.208	Supplemental Information
201.209	Emissions of Hazardous Air Pollutants
201.210	Categories of Insignificant Activities or Emission Levels
201.211	Application for Classification as an Insignificant Activity
201.212	Revisions to Lists of Insignificant Activities or Emission Levels

SUBPART G: EXPERIMENTAL PERMITS (RESERVED)

SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION
SCHEDULES

POLLUTION CONTROL BOARD

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Section	
201.241	Contents of Compliance Program
201.242	Contents of Project Completion Schedule
201.243	Standards for Approval
201.244	Revisions
201.245	Effects of Approval
201.246	Records and Reports
201.247	Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section	
201.261	Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
201.262	Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
201.263	Records and Reports
201.264	Continued Operation or Startup Prior to Granting of Operating Permit
201.265	Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section	
201.281	Permit Monitoring Equipment Requirements
201.282	Testing
201.283	Records and Reports

SUBPART K: RECORDS AND REPORTS

Section	
201.301	Records
201.302	Reports

SUBPART L: CONTINUOUS MONITORING

Section	
201.401	Continuous Monitoring Requirements
201.402	Alternative Monitoring
201.403	Exempt Sources
201.404	Monitoring System Malfunction
201.405	Excess Emission Reporting
201.406	Data Reduction

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- 201.407 Retention of Information
 201.408 Compliance Schedules

- APPENDIX A Rule into Section Table
 APPENDIX B Section into Rule Table
 APPENDIX C Past Compliance Dates

AUTHORITY: Implementing Sections 10, 39, and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10, at 26 Ill. Reg. _____, effective _____.

SUBPART C: PROHIBITIONS

Section 201.142 Construction Permit Required

No person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Agency, except as provided in Section 201.146 or Section 201.170(b) of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section 201.170 Portable Emission Units

- a) An emission unit or units is portable provided that the emission unit or units meets the following criteria.
- 1) Emissions from the emission unit or units are expected to occur for less than one year at any one site.

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- 2) The emission unit or units of air pollution is subject to the requirements of Section 201.169 of this Subpart.
 - 3) The emission unit or group of emission units that will be changing sites is permitted to emit less than 25 tons per year of any combination of regulated air pollutants.
 - 4) The emission unit or units is mounted on a chassis or skids and is designed to be moveable.
 - 5) The emission unit or units is not used as a thermal desorption system pursuant to 35 Ill. Adm. Code 728.Table F or as an incinerator system.
- b) An owner or operator of a portable emission unit or units meeting the requirements of subsection (a) of this Section may change the site of such unit or units without obtaining a new construction or operating permit pursuant to Section 201.142, 201.143, or 201.169 of this Part, provided that the owner or operator meets the following requirements:
- 1) The owner or operator has obtained a construction and operating permit containing special conditions as required by subsection (c) of this Section for such emission unit or units, or is exempt pursuant to subsection (d) of this Section.
 - 2) If a permit issued pursuant to subsection (c) of this Section includes more than one emission unit, the owner or operator shall move all emission units covered by the permit to the new site.
 - 3) The owner or operator does not locate the emission unit or units on a site with a source:
 - A) That is subject to the requirements of Section 39.5 of the Act; or
 - B) That would become subject to the requirements of Section 39.5 of the Act if the emissions of all regulated pollutants from the portable emission unit or units were included in such source's potential to emit.
 - 4) The owner or operator does not modify the operation of the emission unit or units in such a way so as to:
 - A) Make the emission unit or units subject to New Source Review (NSR) requirements pursuant to 35 Ill. Adm. Code 203 or to Prevention of Significant Deterioration (PSD) pursuant to Section 9.1(a) of the Act; or
 - B) Make the emission unit or units a support facility of a source that is subject to Section 39.5 of the Act.
 - 5) At least three days prior to moving the emission unit or units to a new site, the owner or operator shall notify the Agency by certified mail. The notification shall include the items listed below, unless the emission unit or units is exempt pursuant to subsection (d) of this Section:
 - A) The location of the new site;
 - B) The estimated emissions of all regulated air pollutants while located at the new site; and

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- C) That the operation for such emission unit or units will be consistent with its construction and operating permits.
- 6) The owner or operator shall keep a copy of the construction and operating permits for that emission unit or units on the site where the emission unit or units are in operation.
- c) Permit Requirements.
 - 1) The owner or operator of an emission unit or units must obtain a new or amended construction and operating permit containing special conditions for changing the site of the portable emission unit or units pursuant to the requirements of Sections 201.142, 201.143 and 201.169 of this Subpart prior to an initial change in site of an emission unit or units. The permit application, in addition to the information required pursuant to Section 201.152, 201.157 and 201.169 of this Part, must contain the following information:
 - A) The initial site of the emission unit or units;
 - B) A permanent address where correspondence may be sent to the owner or operator; and
 - C) The permanent site of any required operating records.
 - 2) If the portable emission unit or units has a permit pursuant to this subsection, but has not changed sites within the prior twelve months at least once, the owner or operator shall obtain a revised permit prior to changing the site of the emission unit or units.
- d) The owner or operator of a portable emission unit or units that is included in more than one operating permit and meets the requirements of subsections (a)(2) through (a)(5), (b)(3), (b)(4) and (b)(6) of this Section may change the site of such unit or units without obtaining a new construction or operating permit pursuant to Section 201.142, 201.143 or 201.169 of this Part when such unit or units is moved to a site covered by such permit.

(Source: Added at 26 Ill. Reg. _____, effective _____)

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- 1)
- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: 140.71 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department's rules concerning Medical Payment add provisions on expedited claims payments for long term facilities that are enrolled in the Exceptional Care Program, and that, because of extraordinary circumstances, require payment acceleration. The amendments will allow long term care facilities with four or more residents receiving exceptional care, to receive expedited claims payments and maintain the delivery of essential medical care. These proposed amendments will not result in any budgetary changes.
- 6) Will these proposed amendments replace emergency amendments 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? Yes

<u>Sections</u>	<u>Proposed</u>	<u>Illinois Register Citation</u>
140.20	Amendment	March 15, 2002 (26 Ill. Reg. 3852)
140.402	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.405	New Section	May 24, 2002 (26 Ill. Reg. 7647)
140.442	Amendment	April 26, 2002 (26 Ill. Reg. 5872)
140.445	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.450	Amendment	June 7, 2002 (26 Ill. Reg. 8243)
140.481	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.492	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.493	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.523	Amendment	July 12, 2002 (26 Ill. Reg. 10243)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

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- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded long term care facilities
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance ~~Program~~ **Programs**
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG 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)
- 140.22 Magnetic Tape Billings (Repealed)

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- 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
- 140.55 Recipient Eligibility Verification (REV) System
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 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)

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- 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)
- 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
- 140.402 Copayments for Noninstitutional Medical Services
- 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

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- 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
- 140.426 Limitations on Podiatry Services
- 140.427 Requirements ~~Requirement~~ for Prescriptions and Dispensing of Pharmacy Items - Podiatry
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services
- 140.434 Record Requirements for Independent Clinical Laboratories
- 140.435 Advanced Practice Nurse Services
- 140.436 Limitations on Advanced Practice Nurse Services
- 140.438 Imaging Centers
- 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 Legend 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
- 140.451 Prospective Drug Review and Patient Counseling
- 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 Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
- 140.465 Speech and Hearing Clinics (Repealed)

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- 140.466 Rural Health Clinics (Repealed)
- 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, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 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 Medichek Services (Repealed)
- 140.487 Healthy Kids Program Timeliness Standards
- 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
- 140.490 Medical Transportation
- 140.491 Limitations on Medical Transportation
- 140.492 Payment for Medical Transportation
- 140.493 Payment for Helicopter Transportation
- 140.494 Record Requirements for Medical Transportation Services
- 140.495 Psychological Services
- 140.496 Payment for Psychological Services
- 140.497 Hearing Aids

SUBPART E: GROUP CARE

Section

- 140.500 Long Term 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 Informal Hearing Process for Denial of Payment for New ICF/MR [Admissions](#)
- 140.506 Provider Voluntary Withdrawal
- 140.507 Continuation of Provider Agreement

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- 140.510 Determination of Need for Group Care
- 140.511 Long Term Care Services Covered by Department Payment
- 140.512 Utilization Control
- 140.513 Notification of Change in Resident Status
- 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)
- 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 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
- 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

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- 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 Kosher 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
- 140.583 Campus Facilities
- 140.584 Illinois Municipal Retirement Fund (IMRF)
- 140.590 Audit and Record Requirements
- 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
- 140.643 In-Home Care Program
- 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
- 140.646 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
- 140.647 Description of Developmental Training (DT) Services
- 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
- 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
- 140.650 Certification of Developmental Training (DT) Programs
- 140.651 Decertification of Day Programs
- 140.652 Terms of Assurances and Contracts

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- | 140.680 Effective Date ~~of~~ ~~Of~~ Payment Rate
- 140.700 Discharge of Long Term Care Residents
- 140.830 Appeals of Rate Determinations
- 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

Section

- 140.850 Reimbursement of Administrative Expenditures
- 140.855 Administrative Claim Review and Reconsideration Procedure
- 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)
- | 140.900 Reimbursement For Nursing Costs For Geriatric Residents ~~In~~ ~~in~~ Group Care Facilities (Recodified)
- 140.901 Functional Areas of Needs (Recodified)
- 140.902 Service Needs (Recodified)
- 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)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section

- 140.920 General Description
- 140.922 Covered Services
- 140.924 Maternal and Child Health Provider Participation Requirements
- 140.926 Client Eligibility (Repealed)

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- 140.928 Client Enrollment and Program Components (Repealed)
 140.930 Reimbursement
 140.932 Payment Authorization for Referrals (Repealed)

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 (Emergency Expired)~~
~~140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)~~

- TABLE A Medichex Recommended Screening Procedures (Repealed)
 TABLE B Geographic Areas
 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)

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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 Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI 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 May 22, 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, 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

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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, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.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;

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amended at 13 Ill. Reg. 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, 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 26, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; 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. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; 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. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective

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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; expedited correction at 16 Ill. Reg. 11348, 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; 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; expedited correction at 17 Ill. Reg. 7078, 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; emergency amendment at 17 Ill. Reg. 11201, 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 suspended at 17 Ill. Reg. 18902, effective October 12, 1993; 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; 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 at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; 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 March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days;

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amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2000, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July

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1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 24, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments

- a) C-13 Invoice Voucher Advance Payments
 - 1) The C-13 invoice voucher, when used as an advance payment, is an exception to the regular reimbursement process. It may be issued only under extraordinary circumstances to qualified providers of medical assistance services. C-13 advance payments will be made only to a hospital organized under the University of Illinois Hospital Act, subject to approval by the Director, or to qualified providers who meet the following requirements:
 - A) are enrolled with the Department of Public Aid;
 - B) have experienced an emergency which necessitates C-13 advance payments. Emergency in this instance is defined as a circumstance under which withholding of the advance payment would impose severe and irreparable harm to the clients served. Circumstances which may create such emergencies include, but are not limited to, the following:
 - i) agency system errors (either automated system or clerical) which have precluded payments, or which have caused erroneous payments such that the provider's ability to provide further services to clients is severely impaired; or
 - ii) cash flow problems encountered by a provider or group of providers which are unrelated to agency technical system problems. These situations include problems which are exclusively those of the providers or problems related to State cash flow which result in delayed payments and extensive financial problems to a provider, adversely impacting on the ability to promptly serve the clients;
 - C) serve a significant number of clients under the Medical Assistance Program~~medical assistance program~~. Significant in this instance means:
 - i) for long term care facilities, 80 percent or more of their residents must be eligible for public assistance;
 - ii) for long term care facilities enrolled in the Exceptional Care Program, ~~with~~ four or more residents receiving exceptional care;
 - iii) for hospitals, the hospital ~~they~~ must qualify as a disproportionate share hospital;
 - iv) for practitioners and other medical providers, 50 percent or more of their patient revenue must be generated through Medicaid reimbursement;

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- v) for sole source pharmacies in a community which are not within a 25-mile radius of another pharmacy, the provisions of this Section may be waived;
 - vi) for government-owned facilities, this subsection (a)(1)(C) may be waived if the cash flow criteria under subsection (a)(1)(B)(ii) is met; and
 - vii) for providers who have filed for Chapter 11 bankruptcy, this subsection (a)(1)(C) may be waived if the cash flow criteria under subsection (a)(1)(B)(ii) ~~are is~~ met;
- D) sign an agreement with the Department which specifies the terms of advance payment and subsequent repayment. The agreement will contain the following provisions:
- i) specific reason(s) for advanced payments;
 - ii) specific amount agreed to be advanced;
 - iii) specific date to begin recoupment; and
 - iv) method of recoupment (percentage of payable amount of each Medical Management Information System voucher, specific amount per month, a warrant intercept, or a combination of the three recovery methods).
- 2) Determination of amount of payment to be issued shall be based on anticipated future payments as determined by the Department.
- 3) Approval Process ~~process~~
- A) In order to obtain C-13 advance payments, providers must submit their request in writing (telefax requests are acceptable) to the appropriate Bureau Chief within the Division of Medical Programs. The request must include:
 - i) an explanation of the circumstances creating the need for the advance payments;
 - ii) supportive documentation to substantiate the emergency nature of the request and risk of irreparable harm to the clients; and
 - iii) specification of the amount of the advance required.
 - B) An agreement will be issued to the provider for all approved requests. The agreement must be signed by the administrator, owner, chief executive officer or other authorized representative and be received by the Department prior to release of the warrant.
 - C) C-13 advance payments shall be authorized for the provider following approval by the Medicaid Administrator or designee. Once all requirements of this subsection (a)(3) are met, the Administrator will authorize payment within seven days.
- 4) Recoupment
- A) Health care entities other than individual practitioners shall be required to sign an agreement stating that, should the entity be sold, the new owners will be made aware of the liability and will assume responsibility for

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- repaying the debt to the Department according to the original agreement.
- B) All providers shall sign an agreement specifying the terms of recoupment. An agreed percentage of the total payment to the provider for services rendered shall be deducted from future payments until the debt is repaid. For providers who are properly certified, licensed or otherwise qualified under appropriate State and federal requirements, the recoupment period shall not exceed six months from the month in which payment is authorized. For those providers enrolled but not in good standing (e.g., decertification termination hearing or other adverse action is pending), recoupment will be made from the next available payments owed the provider.
 - C) In the event that the provider fails to comply with the recoupment terms of the agreement, the remaining balance of any advance payment shall be immediately recouped from claims being processed by the Department. If such claims are insufficient for complete recovery, the remaining balance will become immediately due and payable by check to the Illinois Department of Public Aid. Failure by the provider to remit such check will result in the Department Agency pursuing other collection methods.
- 5) Prior Agreements
- The terms of any agreement signed between the provider and the Department prior to the adoption of this rule will remain in effect, notwithstanding the provisions of this Section rule.
- b) Expedited Claims Payments
- 1) Expedited claims payments are issued through the regular MMIS payment process and represent an acceleration of the regular payment schedule. They may be issued only under extraordinary circumstances to qualified providers of medical assistance services. Reimbursement through the expedited process will be made only to a hospital organized under the University of Illinois Hospital Act, subject to approval by the Director, or to qualified providers who meet the following requirements:
 - A) are enrolled with the Department of Public Aid;
 - B) have experienced an emergency which necessitates expedited payments. Emergency in this instance is defined as a circumstance under which withholding of the expedited payment would impose severe and irreparable harm to the clients served. Circumstances which may create such emergencies include, but are not limited to, the following:
 - i) agency system errors (either automated system or clerical) which have precluded payments, or which have caused erroneous payments such that the provider's ability to provide further services to the clients is severely impaired;
 - ii) cash flow problems encountered by a provider or group of providers which are unrelated to Department Agency technical

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system problems. These situations include problems which are exclusively those of the providers (i.e., provider billing system problems) or problems related to State cash flow which result in delayed payments and extensive financial problems to a provider adversely impacting on the ability to serve the clients;

- C) serve a significant number of clients under the Medical Assistance Program. Significant in this instance means:
- i) for long term care facilities, 80 percent or more of their residents must be eligible for public assistance;
 - ii) for long term care facilities enrolled in the Exceptional Care Program, four or more residents receiving exceptional care;
 - iii) ~~ii)~~ for hospitals, the hospitals ~~they~~ must qualify as a disproportionate share hospital;
 - iv) ~~iii)~~ for hospitals that qualify as disproportionate share hospitals as described in 89 Ill. Adm. Code 148.120 and receive Rehabilitation Hospital Adjustment payments (see 89 Ill. Adm. Code 148.295(b)) or Direct Hospital Adjustment payments (see 89 Ill. Adm. Code 148.295(c)(1)), a request must be made in writing that demonstrates proof of cash flow problems;
 - v) ~~iv)~~ for practitioners and other medical providers, 50 percent or more of their patient revenue must be generated through Medicaid reimbursement;
 - vi) ~~v)~~ for sole source pharmacies in a community that are not within a 25-mile radius of another pharmacy, the provisions of this Section may be waived;
 - vii) ~~vi)~~ for government-owned facilities, this subsection (b)(1)(C) may be waived if the cash flow criteria under subsection (a)(1)(B)(ii) are met; and
 - viii) ~~vii)~~ for providers who have filed for Chapter 11 bankruptcy, subsection (b)(1)(C) may be waived if the cash flow criteria under subsection (a)(1)(B)(ii) are is met.
- 2) Reimbursement will be based upon the amount of claims determined payable and be made for a period specified by the Department.
- 3) Approval Process ~~process~~
- A) In order to qualify for expedited payments, providers must submit their request in writing (telefax requests are acceptable) to the appropriate Bureau Chief within the Division of Medical Programs. The request must include:
 - i) an explanation of the need for the expedited payments; and
 - ii) supportive documentation to substantiate the emergency nature of the request.
 - B) Expedited payments shall be authorized for the provider following approval by the Medicaid Administrator or designee.

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- C) The Department will periodically review the need for any continued expedited payments.
- 4) Prior Agreements
The terms of any agreement signed between the provider and the Department prior to the adoption of this rule will remain in effect, notwithstanding the provisions of this ~~Section rule~~.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Newborn Metabolic Screening and Treatment Code
- 2) Code Citation: 77 Ill. Adm. Code 661
- 3) Section Numbers: 661.70 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Phenylketonuria Testing Act [410 ILCS 240].
- 5) A Complete Description of the Subjects and Issues Involved: Rules pertain to guidelines related to newborn screening of infants for certain inherited or metabolic disorders. Amendments relate to a fee increase for expansion of screening to include more conditions using new technology; tandem mass spectrometry. The fee increase will assist in covering the expenses of the expanded testing.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain any incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Peggy Snyder, Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-2043
e-mail: rules@idph.state.il.us
- 12) Initial Regulatory Flexibility Analysis:
 - A) Type of small businesses, small municipalities, and not for profit corporations affected: Hospitals.

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER i: MATERNAL AND CHILD HEALTHPART 661
NEWBORN METABOLIC SCREENING AND TREATMENT CODE

Section	
661.10	Responsibility
661.15	Definitions
661.20	Collection of Blood and Submission of Specimens
661.30	Interpretation of Results
661.35	Designation of Consultants
661.40	Reports
661.50	Diagnosis and Treatment
661.60	Exemption
661.70	Fee Assessment and Payment

AUTHORITY: Implementing and authorized by the Phenylketonuria Testing Act [410 ILCS 240].

SOURCE: Adopted December 14, 1973; emergency rules at 3 Ill. Reg. 28, p. 224, effective June 28, 1979, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 48, p. 42, effective November 20, 1979; amended at 5 Ill. Reg. 4593, effective April 15, 1981; amended and codified at 8 Ill. Reg. 19041, effective September 26, 1984; amended at 11 Ill. Reg. 12921, effective August 1, 1987; amended at 13 Ill. Reg. 15079, effective October 1, 1989; amended at 14 Ill. Reg. 13292, effective August 15, 1990; amended at 17 Ill. Reg. 13609, effective August 1, 1993; amended at 19 Ill. Reg. 15720, effective November 1, 1995; expedited correction at 20 Ill. Reg. 3590, effective November 1, 1995; amended at 22 Ill. Reg. 20639, effective November 10, 1998; amended at 26 Ill. Reg. 10676, effective July 1, 2002; amended at 26 Ill. Reg. _____, effective _____.

Section 661.70 Fee Assessment and Payment

- a) Each person who submits to the Department any sample for newborn screening shall be assessed a fee of ~~\$47~~^{\$32} for such analysis. When the Director makes a determination to add screening for any additional disorders in the categories of amino acid, organic acid or fatty acid oxidation, pursuant to Section 661.10, this fee may be increased by \$2 for each disorder unless specimens are requested by the Department for follow-up purposes.
- b) Statements of fee assessment shall be mailed on a monthly basis to facilities submitting specimens for analysis.
- c) Payment shall be rendered to the Department upon receipt of the monthly statement

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

of fee assessment.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part : Trifecta
- 2) Code Citation: 11 Ill. Adm. Code 306
- 3) Section Number: 306.20 Proposed Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking permits racetracks to uncouple entries, with common owners, in standardbred races with a purse of \$200,000 and higher.
- 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
- 10) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted within 45 days of this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-5017
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types 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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 306
TRIFECTA

Section	
306.10	Definition
306.20	Entries
306.30	Minimum Fields
306.40	Pool Distribution
306.50	Dead Heats
306.60	Scratches

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 15225, effective November 1, 1995; amended at 24 Ill. Reg. 7397, effective May 1, 2000; amended at 26 Ill. Reg. 4900, effective March 20, 2002; amended at 26 Ill. Reg. 12355, effective August 1, 2002; amended at 26 Ill. Reg. _____, effective _____.

Section 306.20 Entries

- a) For harness racing, only one entry, either coupled or uncoupled, shall be allowed in a trifecta race so long as it is a stakes race with a minimum purse of \$25,000 and a minimum field of eight betting interests at the start of the race. For stakes races with a minimum purse of \$50,000, entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests. For stakes races with a minimum purse of \$200,000, the uncoupling of entries, with common owners and trainers, shall be permitted.
- b) For thoroughbred racing, entries, either coupled or uncoupled, shall be allowed in a trifecta race under the following conditions:
 - 1) one entry requires at least six betting interests at the start of the race.
 - 2) two entries requires at least eight betting interests at the start of the race.
 - 3) more than two entries shall require approval from the Executive Director or the State Director of Mutuels.
- c) This Section shall not apply to races that are permitted for simulcasting under Section 26(g) of the Act [230 ILCS 5/26(g)] or for uncoupled entries permitted in 11 Ill. Adm. Code 1413.114(c) when there are thoroughbred stakes races with purses of \$250,000 or more.

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(Source: Amended at 26 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
510.30	Amend
510.40	Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking permits the public announcement of claims filed prior to the running of a standardbred race. To ensure adequate dissemination of the information, the claim box shall close 30 minutes prior to post time.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-5017
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the most 2 most recent regulatory agendas because: it was not anticipated when they were submitted.

The full text of the proposed amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 510
CLAIMING RACES

Section	
510.10	Definition
510.20	Claiming Eligibility
510.30	Form and Deposit of Claim
510.40	Errors which Invalidate Claim
510.50	Refund of Voided Claim
510.60	Prohibited Action with Respect to Claim
510.70	Horses under Lien
510.80	Affidavit May be Required
510.90	Claimant's Responsibility
510.100	Claimed Horse's Certificate
510.110	Engagements of a Claimed Horse
510.120	Protests of a Claim
510.130	Title to a Claimed Horse
510.140	Distribution of the Purse
510.150	Delivery of a Claimed Horse
510.160	Trainer Responsibility for Post-Race Tests
510.170	Excusing Claimed Horse
510.180	Stable Eliminated by Fire or Other Hazard
510.190	Entering Claimed Horse (Repealed)
510.195	Determining Eligibility Dates
510.200	Claimed Horse Racing Elsewhere
510.210	Sale of a Claimed Horse
510.220	Illinois Rules Govern Claimed Horse
510.230	Extension of Regular Meeting (Repealed)
510.240	Claiming Authorization
510.250	Claiming Price

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16,

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1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective September 1, 1996; amended at 21 Ill. Reg. 951, effective January 7, 1997; amended at 24 Ill. Reg. 7386, effective May 1, 2000; amended at 24 Ill. Reg. 12722, effective August 1, 2000; amended at 24 Ill. Reg. 17480, effective November 8, 2000; amended at 25 Ill. Reg. 6393, effective May 1, 2001; amended at 25 Ill. Reg. 8814, effective July 1, 2001; amended at 26 Ill. Reg. _____, effective _____.

Section 510.30 Form and Deposit of Claim

- a) All claims shall be made in writing on a form provided by the Board. Claims shall be signed and sealed in an envelope having no identification mark except:
 - 1) the name of the track;
 - 2) the number of the race from which the claim is being made;
 - 3) the stamp of a timing device provided by the track for that purpose indicating a time no later than 10 minutes prior to the thoroughbred post time and 30 minutes prior to the standardbred post time of the race in which the horse to be claimed is entered.
- b) The stewards or their designated representative shall open the claim box no sooner than 10 minutes prior to the thoroughbred post time for each race and 30 minutes prior to the standbred post time for each race. In thoroughbred racing, no ~~Ne~~ information concerning the such claims shall be divulged to anyone other than the racing secretary's staff and the horsemen's bookkeeper until the race has been run. In standardbred racing, the public announcement of claims filed prior to the race shall be permitted. If more than one claim is filed for the same horse, the successful claimant shall be determined by lot by the stewards or their designated representatives.
- c) Once a claim is deposited in the claim box, the claimant cannot withdraw or revoke the claim.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 510.40 Errors which Invalidate Claim

- a) A claim is invalid if:
 - 1) the claimant named on the claim form does not meet one of the three criteria for eligibility specified in Section 510.20; or
 - 2) the claim form is not deposited 10 minutes or more before the thoroughbred post time and 30 minutes or more before the standardbred post time, pursuant to Section 510.30(a); or
 - 3) the claimant does not have at least the amount of the claim on deposit or credited with the horsemen's bookkeeper; or
 - 4) the name of the horse to be claimed is erroneously spelled or is not specified in

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- the space provided on the claim form; or
- 5) the claim form :
- A) does not specify the designated claiming price as printed in the program;
 - B) is not signed;
 - C) does not fully indicate the name of the party making the claim; or
 - D) is otherwise incorrectly completed; or
- 6) the claim envelope does not meet the specifications of Section 510.30(a).
- b) In determining amounts on deposit, consideration ~~considerations~~ shall be given only to amounts on deposit in the sole name of the claimant. Amounts on deposit in accounts owned jointly or in the names of others shall not be considered in determining the adequacy of the claimant's deposit.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part : Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: Proposed Action:
603.70 Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking clarifies the language requiring a horse to participate in a qualifying race after the 9 day waiting period has been satisfied.
- 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
- 10) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-5017
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types 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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section	
603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses and Retention of Samples
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 26 Ill. Reg. _____, effective _____.

Section 603.70 Furosemide

- a) The Board recognizes that Exercise Induced Pulmonary Hemorrhage (EIPH) is almost universal in performance horses. The Board also recognizes that the diuretic furosemide is helpful in the management of the EIPH syndrome; this includes horses that already had a bleeding episode as well as horses that have not yet exhibited the

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epistaxis. In regulating the race day use of furosemide, the Board has placed strict controls on the dose, route and time the medication is administered. Additionally, Board security personnel monitors these horses during and after the administration. Advances in drug testing techniques permit the Board laboratory to quantitate post-race serum samples for furosemide, providing a thorough regulation of the drug. All of these measures are designed to prevent the misuse of furosemide.

b) Veterinarian's List

- 1) When a horse is added to the furosemide list, it shall be placed on the veterinarian's list and shall be ineligible to race for 14 days. The 14 day ineligibility period begins on the certification date defined in subsections (c)(1)(A), (B), (C), and (D) ~~of this Section~~. During this 14 day period, the horse shall not be permitted to race with or without furosemide. Before the horse shall be permitted to enter a race, it must qualify on furosemide by participating in a qualifying race or by performing an official workout without bleeding, to the satisfaction of the State Veterinarian. Horses must wait 9 days following the certification date before participating in a qualifying race.
- 2) A horse bleeding while racing with furosemide shall be barred from racing for a minimum of 30 days.
- 3) A horse bleeding a second time in any 12 month period while racing with furosemide shall be barred from racing for a minimum of 60 days.
- 4) A horse bleeding a third time in any 12 month period while racing with furosemide shall be barred from racing for a minimum of 180 days or the remainder of the 12 month period, whichever is greater.
- 5) After the expiration of the barred periods in subsections (b)(2), (3) and (4) ~~of this Section~~, a horse must qualify on furosemide by participating in a qualifying race or performing an official workout without bleeding to the satisfaction of the State Veterinarian. Prior to the workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.

c) Eligibility for Furosemide Treatment

- 1) A horse is eligible to race with furosemide if at least one of the following occurs:
 - A) It bleeds internally or externally in the presence of an official veterinarian, or if a veterinarian licensed by the State of Illinois attests in writing that he/she witnessed a bleeding episode. The State Veterinarian will then issue a bleeder certificate and place the horse on the furosemide list. The certification date shall be the day the bleeding episode was witnessed by or reported to the State Veterinarian;
 - B) A veterinarian licensed by the Board concludes that it will be in the best interest of a horse's health to race with furosemide. The trainer shall submit to the State Veterinarian a certificate signed by the licensed veterinarian requesting approval to place the horse on the furosemide list.

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The certification date shall be the day the State Veterinarian grants approval. This subsection ~~(c)(1)(B)~~ applies to thoroughbred horses only;

- C) The trainer provides the Board or its designee with evidence that the horse bled in another racing jurisdiction. Acceptable ~~evidence proof~~ shall be a valid bleeder certificate approved by an official veterinarian. The certification date shall be the date shown on the bleeder certificate;
 - D) The trainer provides the Board or its designee with evidence that the horse has been running consistently, up to its last start, with furosemide in other racing jurisdictions as shown on the official past performance lines. Acceptable past performance lines for thoroughbreds and/or quarter horses shall be Equibase and/or Racing Form. Acceptable past performance lines for harness horses shall be the official past performances of the United States Trotting Association (USTA) or Canadian Trotting Association (CTA) or the eligibility papers. The certification date shall be the earliest available date the horse shows running with furosemide on the official past performance lines. If the past performance lines of a horse show that the horse has been running on and off furosemide in other racing jurisdictions, the horse shall not be permitted to run with furosemide in Illinois, unless the occasions the horse ran without furosemide were due to rule restrictions imposed on the horse by those particular racing jurisdictions.
- 2) Signing a Furosemide Certification Affidavit
- A) The stewards may permit a horse to be treated with furosemide for one race if the certification described in ~~subsection subsections~~ (c)(1)(A), (B), (C) or (D) is not available at the time the horse must be treated with furosemide. The trainer or his/her representative shall sign a Furosemide Certification Affidavit.
 - B) Within 10 days after the race, the trainer of the horse shall produce for the stewards or their designee written certification from a state where the horse has bled or a statement in an official chart that the named horse bled following a race or a workout in that state. The certification date must comply with the 14 day requirement specified in subsection (b)(1) ~~of this Section~~.
 - C) Any purse money earned by the horse in the race shall be held during the 10 day period.
 - D) If the trainer fails to produce the evidence required in subsection (c)(2)(B), or if the certification date does not comply with the 14 day ineligibility period specified in subsection (b)(1), the stewards shall impose a fine of not less than \$200 and not more than \$1500 and/or suspend the trainer's license and shall redistribute the amount of any purse money earned by the horse.
- d) Removal from Furosemide List
- 1) Once a horse is placed on the furosemide list, it must continue to race with

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furosemide unless the removal from the list is approved by the stewards. The stewards may remove a horse from the furosemide list upon the written request of the trainer if the horse's performance is negatively affected by the use of furosemide, or upon the recommendation of the State Veterinarian if a horse has an adverse physiological reaction to furosemide.

- 2) Once removed from the furosemide list, a thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. A harness horse shall be ineligible for a minimum of 14 days. The ineligibility period shall be counted from the day the stewards approve the removal of the horse from the furosemide list. Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding. Prior to the qualifying race or workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the qualifying race or workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.

e) Administration of Furosemide

- 1) All horses on the furosemide list must be treated with furosemide in order to be permitted to participate in a race.
- 2) Furosemide shall be administered between 4 hours and 15 minutes and 3 hours and 45 minutes before post time of the race in which a horse is entered.
- 3) A Board licensed veterinarian shall administer not less than 150 mg and not more than 250 mg of furosemide intravenously and shall verify the administration on prescribed affidavits before the post time of the first race.
- 4) The trainer or his/her licensed employee shall witness the furosemide administration.
- 5) The furosemide administration may take place in the horse's own stall or in a centralized location.
- 6) For violations of this subsection (e), the stewards shall scratch a horse from the race and the trainer may be fined not less than \$200 and not more than \$500.

f) Absence of Furosemide

In the event a horse listed on the furosemide list races without furosemide, the horse shall be disqualified and any purse money earned by the horse redistributed. In addition, the stewards may suspend or fine the trainer and/or veterinarian not less than \$200 and not more than \$1500.

g) Excessive Use of Furosemide

- 1) The test level for furosemide shall not be in excess of 60 nanograms (ng) per milliliter (ml) of serum or plasma.
- 2) The first two times the laboratory reports an amount of furosemide between 61 ng - 85 ng/ml, inclusive, the trainer shall receive a written warning. For each subsequent overage at this level by the same trainer, the trainer shall be fined no more than \$200.
- 3) The first time the laboratory reports an amount of furosemide between 86 ng - 99 ng/ml inclusive, the trainer shall receive a written warning. For each

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subsequent overage at this level by the same trainer, the trainer shall be fined no more than \$500 and suspended not more than 30 days.

- 4) In the event a post-race sample contains an amount of furosemide greater than 99 ng/ml, the trainer shall be fined no more than \$1000 and suspended not less than 30 days and the purse shall be redistributed.
- h) Trainer's Responsibilities for Horses on the Furosemide List
- 1) The trainer shall be responsible for:
 - A) providing the racing office at the time of entry with accurate information regarding the use of furosemide on horses he/she enters to race;
 - B) providing the information required for furosemide approval of his/her horses to Board staff coordinating the administration of furosemide;
 - C) notifying his/her veterinarian of furosemide horses and the date and times for race day treatment;
 - D) having horses on the furosemide list stabled at the barn and in the stall assigned by the Racing Secretary or his/her designee;
 - E) posting a "Security Stall" sign on the stalls of his/her horses entered to race (see 11 Ill. Adm. Code 436);
 - F) ensuring horses are treated with furosemide on race day at the prescribed time, witnessing the administration of furosemide and guarding the horse until the horse is taken to the paddock (see 11 Ill. Adm. Code 436).
 - 2) The stewards may suspend the trainer or assess a fine of no less than \$200 and no more than \$500 for violation of this subsection (h).
- i) Veterinarian's Responsibilities
- 1) The practicing veterinarian shall be responsible for:
 - A) administering the proper furosemide medication and dose at the proper time to the proper horse.
 - B) providing Board staff, upon request, with any documentation related to horses that are stabled on approved facilities and medication samples and/or paraphernalia used to administer any medication to a horse. Samples and/or paraphernalia may be sent to the Board laboratory for testing.
 - 2) The stewards may suspend the veterinarian or assess a fine of no less than \$200 and no more than \$500 for violations of this subsection (i).
- j) Security
- 1) Each horse racing with furosemide shall be detained in a stall assigned by the Racing Secretary 4 hours and 15 minutes before the post time of the race in which it is entered, and shall remain in the stall until taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the "security stall" to engage in exercise blow-outs or warm-up heats.
 - 2) The barn area is a secure area and shall be under the supervision of the Board.
 - 3) No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State Veterinarians, the stewards or a Board

ILLINOIS RACING BOARD

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- investigator.
- 4) Board staff may direct a veterinarian to take a blood sample immediately prior to the administration of furosemide to be submitted to the Board's laboratory for analysis.
 - 5) Board staff may collect from a veterinarian the syringe containing any medication about to be administered to a horse for testing at the Board laboratory.
- k) This Section shall apply to all horses entering in and competing in race meetings as defined in Section 3.07 of the Act [230 ILCS 5/3.07], as well as all horses shipping in from other racing jurisdictions, domestic or foreign.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1415
STARTING

Section	
1415.10	Identification of Horses
1415.15	Lip Tattoo
1415.20	Authority of Starter
1415.30	Jockeys to Dismount
1415.40	All Horses Parade
1415.50	Horses Led to Post
1415.60	Starter's Orders
1415.70	Starter's Assistants
1415.80	Causes of Delay
1415.90	Report Presence on Grounds
1415.100	Jockey Fees Paid
1415.110	Licensed Trainer
1415.120	Veterinarian's List
1415.130	Scratches and Refunds
1415.140	Number of Starters
1415.150	Horse Must Run the Course
1415.160	Starting Gate
1415.170	Post Positions
1415.180	Horse, When a Starter
1415.190	Failure of Starting Gate
1415.200	Start Without Gate
1415.210	Horse, When a Starter Without a Gate
1415.220	Schooling
1415.230	Twitches and War Bridles (Repealed)
1415.240	Starter (Repealed)
1415.250	Starter Reports Fines (Repealed)
1415.260	Inspection of Plating
1415.270	Change in Course
1415.280	Equipment Changes

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10985; amended at 6 Ill. Reg. 10013, effective August 3, 1982; amended at 7 Ill. Reg. 2170, effective February 4, 1983; amended at 14 Ill. Reg. 20056, effective December 4, 1990; amended at 18 Ill. Reg. 11620, effective July 7, 1994; amended at 26 Ill. Reg. _____, effective _____.

Section 1415.260 Inspection of Plating

A representative of the operator shall inspect the plating of each horse as it enters the paddock before the race, record the type of shoes worn on a board provided for that purpose in the paddock and keep a written record for the stewards. Any deficiency in shoeing shall be reported immediately by ~~the said~~-inspector to the paddock steward. A trainer or owner shall not enter or start, or cause to be entered or started, a horse that, if plated, is not plated properly.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Business Corporation Act of 1983
- 2) Code Citation: 14 Ill. Adm. Code 150
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
150.435	Amendment
150.445	Amendment
150.450	Amendment
150.520	Amendment
150.600	Amendment
- 4) Statutory Authority: Implementing and authorized by The Business Corporation Act of 1983 (805 ILCS 5)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets forth the standards used in the determination of any conflicts of name availability for corporation names. Limited Liability names must now be included in that determination. This rulemaking sets forth the matters not considered in the determination of name availability for corporation names. Limited liability company designations must be added to the list.
This rulemaking sets forth the significant differences used in the determination of name availability for corporation names. Limited liability company designations must be added to the exceptions in this rule.
This rulemaking sets forth the current address for the Chicago office of Business Services.
This rulemaking sets forth the type of payment that is required for corporation filings and the process followed by the Department when the check is an "Unacceptable Payment".
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these amendments contain incorporation by reference? No
- 9) Are there any other amendments pending on this part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking; Written comments may be submitted within 45 days to:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Helen Conlee
Department of Business Services
Room 350 Howlett Building
Springfield, Illinois 62756
217/785-6033

- 12) Initial Regulatory Flexibility Analysis:
- A) Types 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
- 13) Regulatory Agenda on which these rulemakings were summarized: July 2002

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 150
BUSINESS CORPORATION ACT

SUBPART A: HEARING PROCEDURES

Section	
150.10	Applicability
150.20	Definitions
150.30	Right to Counsel
150.40	Appearance of Attorney
150.50	Special Appearance
150.60	Substitution of Parties or Attorneys
150.70	Commencement of Action; Notice of Hearing
150.80	Motions
150.90	Form of Papers
150.100	Conduct of Hearings
150.110	Orders
150.120	Record of Hearings
150.130	Invalidity

SUBPART B: SALE AND RELEASE OF INFORMATION

Section	
150.200	Annual List of Corporations
150.210	Monthly List of Corporations
150.220	Daily List of Corporations
150.230	Computer Access to Information
150.240	Abstracts of Corporate Record
150.250	Invalidity

SUBPART C: ERRORS, REFUNDS, CORRECTIONS, ADJUSTMENTS,
OBJECTIONS, AND OTHER RELIEF

Section	
150.300	Errors or Defects
150.305	Financial Data as Support Documentation
150.310	Invalidity

SUBPART D: NAMES

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section	
150.400	Preliminary Determination of Availability
150.405	Final Determination of Availability
150.410	Response as to Basis of Unavailability
150.415	Reconsideration Procedure
150.420	Effect of Final Determination
150.425	Applicability
150.430	Availability of Names: Statutory Requirements
150.435	Standards - Conflicting Names
150.440	Distinguishable - Defined
150.445	Matters not Considered
150.450	Significant Differences
150.455	Surnames
150.460	Alphabet Names
150.465	Government Affiliation
150.470	Restricted and Professional Words
150.475	Acceptable Characters of Print
150.480	Invalidity
150.485	Improper Names

SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

Section	
150.500	Preamble
150.510	Manner of Service
150.520	Place of Service
150.530	Payment of Fees
150.540	Invalidity

SUBPART F: FEES, FRANCHISE TAX AND LICENSE FEES: ANNUAL REPORT

Section	
150.600	Payment of Fees, Franchise Tax and License Fee
150.610	Definitions
150.620	Annual Report
150.621	Confidentiality of Annual Report Financial Data
150.630	Shares Having a Par Value
150.640	Invalidity

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 150.700 Interpretive Comments Applicable Generally
150.705 Paid-in Capital
150.710 Advice to the Public
150.720 Incorporating Licensed Professionals

AUTHORITY: Implementing and authorized by the Business Corporation Act of 1983 [805 ILCS 5].

SOURCE: Adopted at 9 Ill. Reg. 1433, effective February 1, 1985; amended at 10 Ill. Reg. 5146, effective March 21, 1986; amended at 11 Ill. Reg. 10302, effective June 1, 1987; amended at 17 Ill. Reg. 11571, effective July 15, 1993; amended at 18 Ill. Reg. 7783, effective May 15, 1994; amended at 20 Ill. Reg. 7026, effective May 8, 1996; amended at 21 Ill. Reg. 16173, effective December 1, 1997; amended at 26 Ill. Reg. _____, effective _____.

SUBPART D: NAMES

Section 150.435 Standards - Conflicting Names

A corporate name shall be distinguishable upon the record of the Secretary of State, Department of Business Services, from the name or assumed name of any domestic corporation or limited liability company organized under the Limited Liability Company Act, whether profit or not for profit, existing under any Act of this State or of the name or assumed name of any foreign corporation or foreign limited liability company registered under the Limited Liability Company Act, whether profit or not for profit, authorized to transact business in this State, or a name the exclusive right to which is, at the time, reserved or registered in the manner provided in the Act or Section 1-15 of the Limited Liability Company Act. ~~from the corporate name or any assumed corporate name of any domestic or foreign corporation in existence and on record or from any name reserved or registered.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 150.445 Matters not Considered

Only the proposed name and the names of active corporations (corporations in good standing or that which have not been dissolved or revoked) or limited liability companies on record are considered in determining name availability. Among the matters not considered are:

- a) the purpose, location or relative size of the business;
- b) the intent of the applicant;
- c) any consent by a corporation bearing a similar title;
- d) the names of unincorporated entities;
- e) the common law or statutory law of unfair competition, unfair trade practices, trade marks, trade names, service marks, service names, copyrights or any other right to the exclusive use of names or symbols;

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NOTICE OF PROPOSED AMENDMENTS

- f) the names of corporations or limited liability companies not on record with the Secretary of State;
- g) whether or not the public may be likely to be deceived or misled by the resemblance of the proposed name to the name of other corporations or limited liability companies;
- h) whether or not an existing corporation or limited liability company may possibly be injured by a resemblance of the proposed name.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 150.450 Significant Differences

Corporate names are deemed not to be distinguishable when a comparison of the names reveals no difference except for:

- a) one or more of the words, "corporation", "company", "incorporated", or "limited", or an acceptable abbreviations thereof, "limited liability company", "LLC", or "L.L.C.", regardless of where in the name such may appear;
- b) the inclusion or omission of articles of speech, conjunctions, contractions, (or symbols thereof), prepositions, or a letter or letters;
- c) an abbreviation versus a spelling out of a word; a different tense of a word; or the use of the singular as opposed to the plural of a word;
- d) the spacing of words, the combination of commonly used two-word terms (including points of the compass), the misspelling, phonetic spelling or any other deviation or of derivation of substantially the same base word, abbreviation or symbol;
- e) the presence or absence of multiple letters within a word.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

Section 150.520 Place of Service

Service of any process, notice or demand made under this Part shall be had with the Department of Business Services either at Room 328, Howlett Building, Springfield, Illinois 62756, or at 69 W. Washington St., Room 1240, Chicago IL 60602. ~~Room 1137, 17 North State, Chicago, Illinois 60602.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART F: FEES, FRANCHISE TAX AND LICENSE FEES: ANNUAL REPORT

Section 150.600 Payment of Fees, Franchise Tax and License Fee

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All payments of fees, franchise taxes, license fees and penalties with respect to original articles of incorporation, applications for original certificates of authority and applications for reinstatement of domestic or foreign corporations shall be by money order, certified check, cashier's check or a check drawn on the account of an Illinois licensed attorney or certified public accountant, payable to the "Secretary of State." All other payments may be made by personal or business firm check, payable to the "Secretary of State-". Any check that is returned by the bank to the Secretary of State's Office for any reason will immediately void the transaction for which it was intended and the Secretary of State will treat the filing event as never occurring.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Uniform Partnership Act
- 2) Code Citation: 14 Ill. Adm. Code 165
- 3) Section Numbers: 165.50 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Uniform Partnership Act [805 ILCS 205]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets forth the process by which a customer requests a refund for the overpayment of fees and sets forth the type of payment that is required for limited liability partnerships and the process followed by the Department when the check is an "Unacceptable Payment".
- 6) Will this proposed amendment replace an emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? No
- 9) Are there any other amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Michael Vincent
Department of Business Services
Room 351 Howlett Building
Springfield, Illinois 62756
217/782-4875
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

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NOTICE OF PROPOSED AMENDMENT

13) Regulatory Agenda on which this rulemaking was summarized: July 2002

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 165
UNIFORM PARTNERSHIP ACT

Section	
165.10	Definitions
165.20	Applicability
165.30	Filing Locations
165.40	Business Hours
165.50	Fees
165.60	Forms Requirements
165.70	Service of Process
165.75	Sale of Information
165.80	Right to Counsel
165.90	Interrogatories

AUTHORITY: Implementing and authorized by the Uniform Partnership Act [805 ILCS 205].

SOURCE: Adopted at 19 Ill. Reg. 1915, effective February 15, 1995; amended at 21 Ill. Reg. 16188, effective December 1, 1997; amended at 26 Ill. Reg. _____, effective _____.

Section 165.50 Fees

All documents required by this Act to be filed in the Office of the Secretary of State must include the fees set forth in the UPA. All fees for filing of any document, or copies of any document, shall be paid only by money order, certified check, cashier's check, or a check drawn on the account of an Illinois licensed attorney or certified public accountant, made payable to the "Secretary of State," or by approved credit card. Any check that is returned by the bank to the Secretary of State's Office for any reason will immediately void the transaction for which it was intended and the Secretary of State will treat the filing event as never occurring. The Department, in its discretion, may accept overpayment of fees with respect to application for registration of a domestic limited liability partnership, application for registration of a foreign limited liability partnership, application for renewal of a domestic or foreign limited liability partnership, and other limited liability partnership filings. In cases where any single overpayment is more than \$50, the Department may, upon written application of the entity making that payment, or its attorneys, refund all but \$50 of the overpayment. No refund of any fees shall be paid by the Department.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Revised Uniform Limited Partnership Act of 1986
- 2) Code Citation: 14 Ill. Adm. Code 170
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
170.13	Amendment
170.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Revised Uniform Limited Partnership Act [805 ILCS 210]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets forth the process by which a customer requests a refund for the overpayment of fees.
This rulemaking sets forth the type of payment that is required for limited partnership filings and the process followed by the Department when the check is an "Unacceptable Payment".
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Michael Vincent
Department of Business Services
Room 351 Howlett Building
Springfield, Illinois 62756
217/782-4875
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and for profit corporations affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which these rulemakings were summarized: July 2002

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 170
REVISED UNIFORM LIMITED PARTNERSHIP ACT

Section	
170.10	Definitions
170.11	Filing Locations
170.12	Business Hours
170.13	Fees
170.14	Service of Process
170.15	Additional Requirements for Forms
170.16	Assumed Names
170.17	Sale of Information
170.20	Filing Requirements
170.30	Refunds
170.40	Interrogatories

AUTHORITY: Implementing and authorized by the Revised Uniform Limited Partnership Act [805 ILCS 210].

SOURCE: Adopted at 11 Ill. Reg. 10314, effective July 1, 1987; amended at 14 Ill. Reg. 1480, effective January 15, 1990; amended at 16 Ill. Reg. 11196, effective July 1, 1992; amended at 17 Ill. Reg. 427, effective January 1, 1993; amended at 20 Ill. Reg. 7056, effective May 8, 1996; amended at 21 Ill. Reg. 16184, effective December 1, 1997; amended at 26 Ill. Reg. _____, effective _____.

Section 170.13 Fees

All fees for filing of any document, as set forth in this Part or in Section 1102 of the RULPA, shall be paid only by money order, certified check, cashier's check, or a check drawn on the account of an Illinois licensed attorney or certified public accountant, made payable to the "Secretary of State" or by a credit card approved by the Secretary of State's Department of Accounting Revenue through contracts let pursuant to bid. Any check that is returned by the bank to the Secretary of State's Office for any reason will immediately void the transaction for which it was intended and the Secretary of State will treat the filing event as never occurring.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 170.30 Refunds

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The Department, in its discretion, may accept overpayment of fees and penalties with respect to certificates of limited partnerships, applications for admission to transact business, applications for reinstatement of limited partnerships, biennial reports of either domestic or foreign limited partnerships, and other limited partnership filings. In cases where any single overpayment is more than \$50, the Department may, upon written application of the entity making that payment, or its attorneys, refund all but \$50 of the overpayment. No refunds of any fees shall be paid by the Department if deficiency in filings are not corrected within the required time periods.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Limited Liability Company Act
- 2) Code Citation: 14 Ill. Adm. Code 178
- 3)

<u>Section Numbers</u>	<u>Proposed Action</u>
178.20	Amendment
178.30	Amendment
178.40	Amendment
178.60	Amendment
178.130	Amendment
178.145	Amendment
- 4) Statutory Authority: Implementing and authorized by the Limited Liability Company Act (805 ILCS 180)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets forth the filing requirements of members and managers of a limited liability company. This rulemaking sets forth the address of the office that administers the Limited liability Company Act.
This rulemaking sets forth the process by which a customer requests information concerning a limited liability company.
This rulemaking sets forth the process by which a customer requests a refund for the overpayment of fees.
This rulemaking sets forth the standards for conflicting names for a limited liability company. Corporation names must now be included in that determination.
This rulemaking sets forth the significant differences that are used in the approval of a name for a limited liability company. Corporation designations must be added to the exceptions in this rule.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Michael Vincent
Department of Business Services
Room 351, Howlett Building
Springfield, Illinois 62756
217/782-4875

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: July 2002

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS

CHAPTER I: SECRETARY OF STATE

PART 178

LIMITED LIABILITY COMPANY ACT

SUBPART A: RIGHTS AND REQUIREMENTS

Section	
178.10	Definitions
178.15	Applicability
178.20	Filing Requirements
178.25	Additional Requirements for Forms
178.30	Filing Location
178.35	Business Hours
178.40	Sales of Information
178.45	Right to Counsel
178.50	Service of Process
178.55	Payment of Fees
178.60	Refunds

SUBPART B: NAMES

Section	
178.100	Availability of Names: Statutory Requirements
178.105	Preliminary Determination of Availability
178.110	Final Determination of Availability
178.115	Response as to Basis of Unavailability
178.120	Reconsideration Procedure
178.125	Effect of Final Determination
178.130	Standards - Conflicting Names
178.135	Distinguishable - Defined
178.140	Matters Not Considered
178.145	Significant Differences
178.150	Surnames
178.155	Alphabet Names
178.160	Government Affiliation
178.165	Restricted and Professional Words
178.170	Acceptable Characters of Print
178.175	Invalidity
178.180	Assumed Names
178.185	Foreign LLC with Prohibited Names

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NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by the Limited Liability Company Act [805 ILCS 180].

SOURCE: Adopted at 17 Ill. Reg. 22055, effective January 1, 1994; amended at 20 Ill. Reg. 7050, effective May 8, 1996; amended at 21 Ill. Reg. 16178, effective December 1, 1997; amended at 26 Ill. Reg. _____, effective _____.

SUBPART A: RIGHTS AND REQUIREMENTS

Section 178.20 Filing Requirements

- a) General partnerships serving as members or managers of limited liability companies must comply with the following requirements: provide to the Secretary of State the state of formation, the county of formation, date of formation, office of records address, and all partners' names ~~partners name~~ and addresses by sworn dated statement of one of the general partners.
- b) A trust serving as a member or manager in a limited liability company must comply with the following requirements: provide to the Secretary of State information concerning the trust, including date of creation, the name of all trustees, location including state and county, and that the trust is currently in full force and effect, dated and executed by the trustee.
- c) An estate serving as a member or manager in a limited liability company must comply with the following requirements: provide to the Secretary of State a copy of the relevant court order currently dated and executed.
- d) All entities, other than natural persons, serving as members or managers in limited liability companies must provide evidence of its existence upon request of the Secretary of State.
- ~~e) Entities, other than natural persons, serving as members or managers in limited liability companies shall comply with the following:
 - 1) any member or manager of a limited liability company must be qualified in Illinois.
 - 2) where there are two or more members or managers of a limited liability company, all members or managers using an Illinois address must be qualified in Illinois. At all times there will be at least one Illinois qualified member or manager in good standing with the Office of the Secretary of State in order to file and remain in good standing.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 178.30 Filing Location

- a) All documents required to be filed with the Secretary of State pursuant to the LLCA

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

shall be filed with the Department.

- b) Documents submitted for filing in Springfield, the Department's headquarters, shall be filed at the following address:

Secretary of State's Office
Department of Business Services
Limited Liability Company Division
Room ~~351~~ 359, Howlett Building
Springfield, Illinois 62756

- c) Documents submitted by mail for filing should be sent to the Department's Springfield office.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 178.40 Sales of Information

- a) Information concerning any limited liability company shall be available to the public from the Department of Business Services upon written request, or by telephone or in person, ~~with advance payment, using check or approved credit card, at the office of the Department as stated in Section 178.30.~~
- b) Information concerning the limited liability companies on file with the Department shall be in the form of an abstract of record, shall be printed from the computer file of the Department, and shall consist of the limited liability company name, its date of formation, any assumed name, its registered agent, the address of the office at which the records are maintained, the latest date at which the limited liability company will dissolve, the foreign jurisdiction where formed (if applicable), the date of filing with the Department, the members' ~~members~~ and/or managers' ~~managers~~ names and addresses and the file number with the Department. The fee for each abstract or record shall be \$25.
- c) Computer connections by non-department users
- 1) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge so long as the requesting agency commits to pay all costs and so long as the service does not substantially increase costs or network traffic on the Secretary's computer.
 - 2) Computer terminal connection may be allowed to commercial users provided that all costs are borne by the commercial user. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, which is based upon the volume of requests received, the computer terminal connections as opposed to other methods, and other factors that ~~which~~ may impede the operations of the Office of the Secretary of State. This service will be suspended at anytime, should the connection interfere with

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NOTICE OF PROPOSED AMENDMENTS

- the Secretary's internal work schedule and processing.
- 3) Fees for information supplied by means of computer connections between the Secretary of State's computers and those of any other agency, corporation, or person may be paid on a monthly basis for all information delivered during that month, as determined by the Secretary and the agency or person to be the most economic way of billing. The proper fee shall be determined by negotiation between the agency or commercial user and the Director based upon telephone line charges, rental or purchase fees for terminals, and other appropriate factors, such as statutory fees for certain types of information and the requirements of this Subpart.
 - 4) No user may reproduce any list or abstract from the computer connection. Lists of LLCA information including the names and information concerning all limited liability companies may only be purchased pursuant to the provisions of this Part. Computer connections are to be used only to look up information. No changes on the Department's LLCA files may be made by any computer connection user.
- d) Terms and conditions for computer maintained LLCA information
- 1) The information supplied by the Department to other agencies, commercial users, or other persons, shall be in the abstract format only, as specified in subsection (b) of this Section.
 - 2) The fee for the entire file of current and dissolved limited liability companies, and assumed names, shall be \$1,500. The monthly update shall cost \$400 per update. The update is available through modem access only. If the file is purchased on computer tape, the purchaser shall supply the Department with a computer tape or tapes, compatible with the Secretary's computer equipment, on to which tapes the information shall be transferred.
 - 3) All purchase requests shall be submitted in writing to the Director. Payment shall be made to the Department before delivery of the information to the purchaser. No refunds will be made after the request is approved by the Director. Payment shall be made by check, money order made payable to the "Secretary of State" or credit card.
 - 4) All commercial or other type purchasers shall sign a written agreement setting forth the terms and conditions required by Illinois law, and as may be deemed appropriate after negotiation between the Department and the purchaser.
 - 5) The commercial purchaser shall not resell to any other purchaser the information obtained from the Department in the same form or format in which it is obtained from the Department. Resale of information in the same form or format shall result in cancellation of access to information by the Department. The commercial purchaser may sell the information to the subscribers of its computer or business information services only to the extent that its subscribers request on an individual entity by entity basis.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 178.60 Refunds

The Department, in its discretion, may accept overpayment of fees and penalties with respect to original articles of organization, applications for original admission to transact business, applications for reinstatement of domestic limited liability companies, report of penalty return to good standing, annual reports of either domestic or foreign limited liability companies, and other limited liability company filings. In cases where any single overpayment is more than \$50, the Department may, upon written application of the entity making that payment, or its attorneys, refund all but \$50 of the overpayment. No refunds of any fees shall be paid by the Department.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART B: NAMES

Section 178.130 Standards - Conflicting Names

A limited liability company name shall be distinguishable upon the record of the Secretary of State, Department of Business Services, Limited Liability Company Division, from the limited liability company name or any assumed limited liability company name of any domestic or foreign limited liability company or domestic or foreign corporation name or assumed name in existence and on record or from any name reserved or registered.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 178.145 Significant Differences

Limited liability company names are deemed not to be distinguishable when a comparison of the names reveals no difference except for:

- a) one or more of the following: limited liability company, LLC, L.L.C., corporation, company, incorporated, limited, or an abbreviation thereof, regardless of where in the name such may appear;
- b) the inclusion or omission of articles of speech, conjunctions, contractions (or symbols thereof), prepositions, or a letter or letters;
- c) an abbreviation versus a spelling out of a word; a different tense of a word; or the use of the singular as opposed to the plural of a word;
- d) the spacing of words, the combination of commonly used two-word terms (including points of the compass), the misspelling, phonetic spelling or any other deviation or derivation of substantially the same base word, abbreviation or symbol;
- e) the presence or absence of multiple letters within a word.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1650.450	Amending
1650.1110	Amending
1650.1111	Amending
1650.1112	Amending
1650.1113	Amending
1650.1114	Amending
1650.1115	Amending
1650.1116	Amending
1650.1117	Amending
1650.1119	Amending
1650.1120	Amending
1650.1121	Amending
1650.1122	Amending
1650.1123	New
- 4) Statutory Authority: Implementing and authorized by Article 16 [40 ILCS 5/16] and Article 1, Section 119 [40 ILCS 5/1-119] of the Illinois Pension Code.
- 5) A Complete Description of the Subjects and Issues Involved:
Through this rulemaking, the Teachers' Retirement System (TRS) is reorganizing and making editorial changes to clarify the rules being amended. Minor citation corrections are also being made in the rulemaking.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does 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 Objective: Not Applicable
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

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Teachers' Retirement System
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(217) 753-0375

12) Initial Regulatory Flexibility Analysis:

A) Types 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

| 13) Regulatory Agenda on which this rulemaking was summarized: December 2001=

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOISPART 1650
THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section
1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section
1650.201 Disability Benefits — Application Procedure
1650.202 Disability and Occupational Disability Benefits — Definitions
1650.203 Disability Retirement Annuity — Definitions
1650.204 Gainful Employment — Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary Rates
1650.210 Claim Applications
1650.211 Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220 Reclassification of Disability Claim (Repealed)

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- 1650.221 When Member Becomes Annuitant
- 1650.222 Death Out of Service
- 1650.230 Medical Examinations and Investigations of Claims (Repealed)
- 1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment
- 1650.250 Death Benefits
- 1650.260 Evidence of Age
- 1650.270 Reversionary Annuity — Evidence of Dependency
- 1650.271 Evidence of Parentage
- 1650.272 Eligible Child Dependent By Reason of a Physical or Mental Disability
- 1650.280 Evidence of Marriage
- 1650.290 Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section

- 1650.310 Effective Date of Membership
- 1650.320 Method of Calculating Service Credits
- 1650.325 Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
- 1650.330 Duplicate Service Credit
- 1650.340 Service Credit for Leaves of Absence
- 1650.341 Service Credit for Involuntary Layoffs
- 1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy
- 1650.346 Service Credit for Periods Away From Teaching Due to Adoption
- 1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement
- 1650.355 Purchase of Optional Service — Required Minimum Payment
- 1650.356 Payroll Deduction Program (Repealed)
- 1650.357 Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
- 1650.360 Settlement Agreements and Judgments
- 1650.370 Calculation of Average Salary (Renumbered)
- 1650.380 Definition of Actuarial Equivalent
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
- 1650.415 Return of Optional Increase in Retirement Annuity Contributions
- 1650.420 Interest on Deficiencies (Repealed)
- 1650.430 Installment Payments (Repealed)

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- 1650.440 Small Deficiencies, Credits or Death Benefit Payments
- 1650.450 Definition of Salary
- 1650.451 Reporting of Conditional Payments
- 1650.460 Calculation of Average Salary
- 1650.470 Rollover Distributions
- 1650.480 Rollovers to the System

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section

- 1650.505 Beneficiary (Repealed)
- 1650.510 Re-entry Into Service
- 1650.520 Suspension of Benefits
- 1650.530 Power of Attorney
- 1650.540 Conservators/Guardians
- 1650.550 Presumption of Death
- 1650.560 Benefits Payable on Death
- 1650.570 Survivors' Benefits
- 1650.571 Payment of Monthly Survivor Benefits to a Trust
- 1650.575 Full-time Student — Receipt of Survivors Benefits Until Age 22
- 1650.580 Evidence of Eligibility
- 1650.590 Comptroller Offset
- 1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section

- 1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section

- 1650.610 Staff Responsibility
- 1650.620 Right of Appeal
- 1650.630 Form of Written Request
- 1650.635 Presiding Hearing Officer — Duties and Responsibilities
- 1650.640 Prehearing Procedure
- 1650.641 Claims Hearing Committee Hearing Packet
- 1650.650 Hearing Procedure
- 1650.660 Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

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Section
1650.710 Amendments

SUBPART J: RULES OF ORDER

Section
1650.810 Parliamentary Procedure

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

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1650.910 Summary and Purpose
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1650.930 Submission of Requests
1650.940 Form and Content of FOIA Requests
1650.950 Appeal of a Denial
1650.960 Executive Director's Response to Appeal
1650.970 Response to FOIA Requests
1650.980 Inspection of Records at System Office
1650.990 Copies of Public Records
1650.995 Materials Available Under Section 4 of FOIA

SUBPART L: BOARD ELECTION PROCEDURES

Section
1650.1000 Nomination of Candidates
1650.1010 Petitions
1650.1020 Eligible Voters
1650.1030 Election Materials
1650.1040 Marking of Ballots
1650.1050 Return of Ballots
1650.1060 Observation of Ballot Counting
1650.1070 Certification of Ballot Counting
1650.1080 Challenges to Ballot Counting

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section
1650.1110 Definitions
1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
1650.1112 Curing Minor Deficiencies
1650.1113 Required Form
1650.1114 Filing a QILDRO with the System

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- 1650.1115 Benefits Affected by a QILDRO
- 1650.1116 Effect of a Valid QILDRO
- 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1650.1118 Alternate Payee's Address
- 1650.1119 Electing Form of Payment
- 1650.1120 Automatic Annual Increases
- 1650.1121 Reciprocal Systems QILDRO Policy Statement
- 1650.1122 Providing Benefit Information for Divorce Purposes
- 1650.1123 Suspension and Expiration of a QILDRO

SUBPART N: PAYROLL DEDUCTION PROGRAM

Section

- 1650.1200 Payroll Deduction Program Guidelines
- 1650.1201 Employer Responsibility Under the Payroll Deduction Program Upon Execution of a Payroll Deduction Agreement
- 1650.1202 Payroll Deduction Agreements — Suspensions and Terminations
- 1650.1203 Payroll Deduction Program — Full Time Employment Defined
- 1650.1204 Payroll Deduction Program — Disability Defined
- 1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

SUBPART O: RETIREMENT BENEFITS

Section

- 1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844,

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effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 26 Ill. Reg. _____, effective _____.

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.450 Definition of Salary

- a) Any emolument of value recognized by the System that is received, actually or constructively, by a member in consideration for services rendered as a teacher, within all applicable limits and restrictions on qualified pension plans contained in the Internal Revenue Code (26 USC 401(a) et seq.). Subsection (b) of this Section lists the more common elements of compensation that are recognized by the System as "salary"; for purposes of illustration. For further illustration, subsection (c) mentions several examples of items not recognized by the System as "salary". However, "salary" within the meaning of Section 16-121 of the Act is not limited to the items so enumerated.
- b) Examples of salary amounts to be reported to the System include:
- 1) The gross amount of wages or compensation earned or accruing to the member during the legal school year term or the length of his or her employment agreement, whichever is greater, in a function requiring certification as a teacher, and payable by the employer at termination of service;
 - 2) Additional wages or compensation earned during the school year for the performance of extra duties, not requiring teacher certification, but which involve the supervision of students or are related to the academic program, provided the member is employed as a full-time or part-time contractual teacher and establishes active service credit in that position during the school year;

Wages or compensation for overtime or extra duties:

~~A) Extra duties are those duties performed by full-time and part-time contractual teachers that involve teaching or supervising students, and other assignments related to the academic program, regardless of whether the duties require certification;~~

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- ~~B) Extra duties performed by substitute and part-time non-contractual teachers are not reportable as creditable earnings unless the duties require certification;~~
- 3) The amount of back salary awarded to a member as a result of a settlement or judgment obtained due to a disputed dismissal, suspension or demotion. Court costs, attorney's fees, other compensatory damages and punitive damages shall not be reportable as salary. The back salary amount reported to the System under this Section shall be equal to the amount ~~which~~ the member would have earned had the dispute not occurred, regardless of the actual amount paid;
 - 4) Severance pay (e.g., retirement incentives, lump sum bonuses, payments for unused vacation and sick days) received by the member or becoming due and payable to the member prior to or concurrent with receipt of final paycheck for regular earnings;
 - 5) Contributions made by or on behalf of the member to qualified deferred compensation plans (sections 401(a) and 457 of the Internal Revenue Code), salary reduction plans or tax sheltered annuities under section 403(b) of the Internal Revenue Code; and
 - 6) Amounts that would otherwise qualify as salary under subsections (b)(1) through (b)(5) but are not received directly by the member because they are used to finance benefit options in a flexible benefit plan; provided, however, that to be reportable, a flexible benefit plan must be available to teachers on a non-discriminatory basis and cannot include non-qualifying deferred compensation. Effective July 1, 1999, flexible benefit plans need not be made available to teachers on a non-discriminatory basis. For the System's purposes, a flexible benefit plan is an option offered by an employer to its employees covered under the System to receive an alternative form of creditable compensation in lieu of employer-provided insurance.
- c) Examples of amounts not reportable to the System include:
- 1) Any severance payment (e.g., retirement incentives, lump sum bonuses, payments for unused vacation and sick days) becoming due and payable to the member subsequent to receipt of final paycheck for regular earnings;
 - 2) Any lump sum payment made after the death of the member;
 - 3) Expense reimbursements, expense allowances, or fringe benefits unless included in a reportable flexible benefit plan;
 - 4) Any monies received by the member under the Workers' Compensation Act or the Workers' Occupational Diseases Act;
 - ~~5) Wages or compensation for extra duties not requiring teacher certification performed by substitute and part-time non-contractual teachers;~~
 - ~~6) 5) Any amount paid in lieu of previously non-reportable benefits or reported in lieu of previously non-reported compensation where the conversion occurs in the last years of service and one of the purposes is to increase a member's average salary. If the member's non-creditable or non-reported compensation in any of the last seven creditable school years of employment exceeds that of any~~

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other subsequent year, the System will presume the difference, unless resulting from the terms of a collective bargaining agreement, to have been converted into salary and wages in the subsequent year for the purpose of increasing final average salary. To overcome the presumption, the member must submit documentary evidence to the System ~~that which~~ clearly and convincingly proves that none of the purposes of the change in compensation structure was to increase average salary (for example, changes in collectively bargained agreements applicable to all similarly situated individuals covered by the agreement, change of employer, or change in family status);

~~7)6)~~ Any amount paid by an employer as the employer's one time contribution (or on behalf of the employee as the employee's one-time contribution) required by the System as part of the statutory early retirement option in Section 16-133.2 of the Act;

~~8)7)~~ Options to take salary in lieu of employment-related expense allowances or reimbursements;

~~9)8)~~ Employer payment of the member's ~~one half of one percent~~ Teachers Health Insurance health insurance Security Fund contribution;

~~10)9)~~ Commissions (i.e., payments to a member based upon a percentage formula);
or

~~11)40)~~ Contributions to and distributions from nonqualified deferred compensation arrangements.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section 1650.1110 Definitions

- a) The definitions in Section 1-119(a) of the Illinois Pension Code (the "Act") [40 ILCS 5/1-119(a)] shall apply to ~~the rules contained in~~ this Subpart.
- b) The phrase "death benefit" in Section 1-119(a)(2) of the Act [40 ILCS 5/1-119(a)(2)] includes:
 - 1) A refund of any remaining accumulated contributions; or
 - 2) A refund payable to a deceased member's designated beneficiary because the member elected a 2.2 upgrade and dies before making the full upgrade contribution.
- c) The phrase "member's refund" in Section 1-119(a)(5) of the Act [40 ILCS 5/1-119(a)(5)] does not include an "error refund" as defined in subsection (d) of this Section.
- d) The phrase "error refund" as used in ~~the rules contained in~~ this Subpart includes:
 - 1) A refund paid to a member as the result of an error in a payment to the System;
or
 - 2) A refund payable to a living member resulting from an overpayment made by a

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TRS-covered employer for a 2.2 upgrade.

- e) The phrase "disability benefit" in Section 1-119(a)(3) of the Act [40 ILCS 5/1-119(a)(3)] includes:
- 1) A disability benefit under Section 16-149 of the Act [40 ILCS 5/16-149];
 - 2) An occupational disability benefit under Section 16-149.1 of the Act [40 ILCS 5/16-149.1]; or
 - 3) A disability retirement annuity under Section 16-149.2 of the Act [40 ILCS 5/16-149.2].
- f) The phrase "member's retirement benefit" as used in ~~the rules contained in~~ this Subpart means the total amount of the "retirement benefit" as defined in Section 1-119(a)(8) of the Act [40 ILCS 5/1-119(a)(8)] that would be payable to the member in the absence of a QILDRO.
- g) The phrase "partial member's refund" as used in ~~the rules contained in~~ this Subpart includes:
- 1) A refund of survivor benefit contributions;
 - 2) A partial refund of retirement contributions as provided under Section 16-152(d) of the Act [40 ILCS 5/16-152(d)]; or
 - 3) ~~2) An upgrade contribution~~ A refund payable to a living member who has elected a 2.2 upgrade, because:
 - A) The ~~the~~ member has creditable service in excess of 34 years;
 - B) The ~~the~~ member is entitled to a 1% reduction in the upgrade contribution for every three full years of creditable service; or
 - C) An actuarial calculation provides a greater benefit than an upgraded final average salary calculation; or
 - D) The member failed to make the full upgrade contribution in a timely fashion.
 - 3) ~~A refund payable to a living member who has elected a 2.2 upgrade, because the member is entitled to a 1% reduction in the upgrade contribution for every three full years of creditable service; or~~
 - 4) ~~A refund payable to a living member who has elected a 2.2 upgrade, because the member failed to make the full upgrade contribution in a timely fashion.~~
- h) The phrase "effective date of the QILDRO" or any similar phrase as used in this Subpart means:
- 1) If the QILDRO applies to a member who is an annuitant of the System, the first day of the next month that falls at least 30 days after the valid receipt date of the QILDRO; or
 - 2) If the QILDRO applies to a member who is not an annuitant of the System, the date that the member begins receiving a retirement benefit or receives a refund to which the QILDRO applies, provided that such date is at least 30 days after the valid receipt date of the QILDRO.
- i) The phrase "valid receipt date of the QILDRO" or any similar phrase as used in this Subpart means:
- 1) The date the System received a valid QILDRO; or

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- 2) The date the System received a QILDRO with curable deficiencies as provided in Section 1650.1112 that were all corrected within the cure period.
- j) The phrase "valuation procedures established by the retirement system" in Section 503(b)(2) of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/503(b)(2)], with respect to the Teachers' Retirement System, means the benefit information provided by the System for divorce purposes in accordance with Section 1650.1122.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order

The System will accept a court order as a valid Qualified Illinois Domestic Relations Order, or "QILDRO," that meets all of the following requirements:

- a) The order must be accompanied by a \$50 non-refundable processing fee, by check payable to the Teachers' Retirement System.
- b) If the order applies to a person who became a member of the System before July 1, 1999, the order must be accompanied by the original Consent to Issuance of QILDRO signed by the member. If the original has been filed with the court, a certified copy of the original is acceptable.
- c) The order must be a certified copy of the original.
- d) The order must have been issued by an Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage that provides for the distribution of property, or any proceeding to amend or enforce such a property distribution.
- e) The order must contain the name, residence address, and Social Security number of the member.
- f) The order must contain the name, residence address, and Social Security number of the alternate payee.
- g) The order must identify the Teachers' Retirement System as the retirement system to which it is directed.
- h) The order must express any amount to be paid to the alternate payee from a member's retirement benefit as a dollar amount per month.
- i) The order must express any amount to be paid to the alternate payee from a refund as a dollar amount.
- j) The order must not contain formulas or percentages.
- k) The order must apply only to benefits that are statutorily subject to QILDROs as provided in Section 1-119(b)(1) of the Act [40 ILCS 5/1-119(b)(1)].
- l) The order, and, if applicable, the Consent to Issuance of QILDRO must be in the form adopted by the System as of the valid receipt date of the QILDRO ~~date the order is received~~.
- m) No language may be added to, or omitted from, the QILDRO form or the consent form adopted by the System.

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- n) The order, if applicable to the member's retirement benefit, must designate whether the alternate payee will or will not receive automatic annual increases.
- o) The order must not specify a termination date.
- p) If the order applies to a member who is not an annuitant of the System, the order must not specify when the alternate payee will begin receiving payments.
- q) If the order applies to a member who is an annuitant of the System, the order must not specify a date when the alternate payee will begin receiving payments that occurs prior to the effective date of the QILDRO.
- r) If a consent form is required, the names and Social Security numbers identified in the consent form must match the names and Social Security numbers identified in the order.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 1650.1112 Curing Minor Deficiencies

- a) An order containing one or more of the deficiencies enumerated in subsection (b) of this Section may be corrected and resubmitted within 60 days after ~~of~~ the date the System sends notice of the deficiency or deficiencies. Such 60-day period is referred to in ~~the rules contained in~~ this Subpart as the "cure period".
- b) Only the following deficiencies may be corrected during the cure period:
 - 1) The order is not accompanied by a \$50 non-refundable processing fee, by check payable to the Teachers' Retirement System.
 - 2) The order applies to a person who became a member of the System before July 1, 1999, and is not accompanied by the original Consent to Issuance of QILDRO signed by the member or, if the original has been filed with the court, a certified copy of the original.
 - 3) The consent form accompanying the order is not in the form adopted by the System.
 - 4) The order is not a certified copy of the original.
 - ~~5) The order omits or inaccurately states the member's name, address, or Social Security number.~~
 - ~~6) The order omits or inaccurately states the alternate payee's name, address, or Social Security number.~~
 - ~~5)7) If a consent form is required, the names and/or Social Security numbers identified in the consent form do not match the names and/or Social Security numbers identified in the order. The order does not designate whether the alternate payee will or will not receive automatic annual increases.~~
 - ~~6)8) Any other deficiency determined by the System, in its sole discretion, to be of a minor nature.~~
- c) If the System receives an order containing one or more deficiencies identified in subsection (b) of this Section, and the order applies to a member who is an annuitant of the System currently receiving a monthly benefit payment, the System will hold

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the portion of the member's retirement benefit that would be payable to the alternate payee if the QILDRO were valid, until one of the following occurs:

- 1) The System determines that all deficiencies have been corrected during the cure period; or
 - 2) The cure period expires and one or more deficiencies have not been corrected.
- d) If the System determines that all deficiencies have been corrected during the cure period, the valid receipt date of the QILDRO will be ~~deemed received as of~~ the date the original order was received.
- e) If the cure period expires and the System determines that one or more deficiencies have not been corrected, the order will be deemed invalid, and any amounts held during the cure period will be paid to the regular payee.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 1650.1113 Required Form

- a) A QILDRO must be in the form adopted by the System as of the valid receipt date of ~~that~~ the QILDRO ~~is received~~. The required QILDRO form is available from the System upon request.
- b) A QILDRO that is not in the form adopted by the System is invalid.
- c) A Consent to Issuance of QILDRO must be in the form adopted by the System as of the valid receipt date of ~~that~~ the QILDRO ~~is received~~. The required consent form is available from the System upon request.
- d) A consent ~~constant~~ form that is not in the form adopted by the System is invalid.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 1650.1114 Filing a QILDRO with ~~With~~ the System

- a) A QILDRO ~~must~~ ~~should~~ be sent to the Systems General Counsel's Office ~~of General Counsel~~, accompanied by the consent form, if applicable, and the \$50 non-refundable processing fee.
- b) A QILDRO will be deemed received by the System on the date that it is received in the Systems General Counsel's Office ~~of General Counsel~~.
- c) Within 30 calendar days after receipt of a QILDRO, the System will review the order and notify the member and each alternate payee by first class mail that it has received the order, and whether the order is a valid QILDRO. If the System determines that the order is not a valid QILDRO, the notice will specify the reason or reasons.
- d) A QILDRO that has been amended ~~modified~~ by the issuing court ~~must~~ ~~should~~ be submitted in the same manner as the original QILDRO. A separate \$50 non-refundable processing fee is required for each new or amended ~~modified~~ QILDRO.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 1650.1115 Benefits Affected by a QILDRO

- a) A QILDRO may apply only to the following benefits administered by the System:
 - 1) A monthly retirement benefit;
 - 2) A single sum retirement benefit;
 - 3) A termination refund; or and
 - 4) A partial member's refund.
- b) If a QILDRO applies to ~~specifies a dollar amount payable to an alternate payee from~~ any partial member's refund that becomes payable, the aggregate amount paid to the alternate payee from all partial member's refunds shall not exceed the dollar amount specified in the QILDRO.
- c) A QILDRO shall not apply to any of the following:
 - 1) A death benefit;
 - 2) A survivor benefit;
 - 3) A disability benefit;
 - 4) An occupational disability benefit;
 - 5) A disability retirement annuity;
 - 6) A Teachers' Retirement Insurance Program ("TRIP") benefit or any other health insurance benefit; or and
 - 7) An error refund.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 1650.1116 Effect of a Valid QILDRO

- a) After the System has determined that a QILDRO is valid, one of the following will occur:
 - 1) If the QILDRO applies to a member who is not an annuitant of the System ~~the member has not yet started receiving benefits~~, the QILDRO will be placed in the member's file and will be implemented on the date that the member begins receiving retirement benefits or receives a refund to which the QILDRO applies, provided that such date is at least 30 days after the valid receipt date of the QILDRO when the first affected benefit payment commences; or
 - 2) If the QILDRO applies to a member who is an annuitant of the System ~~the member is already receiving benefits subject to the QILDRO~~, payment to the alternate payee will begin with the first payment due to the member to which the QILDRO applies that falls occurring at least 30 days after the valid receipt date of the QILDRO was received.
- b) If a refund application is pending when the System receives a valid QILDRO that purports to apply to the refund but the refund payment has not yet been vouchered, the System will hold the portion of the refund that would be payable to the alternate payee until it receives clarification from the court as to whether the QILDRO applies

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~~to is effective against~~ that pending refund. It is the member's or alternate payee's responsibility to obtain such clarification from the court and to notify the System of the court's clarification.

- c) If a refund payment has already been vouchered when the System receives a QILDRO that purports to apply to the refund, the QILDRO shall not apply to be effective against that refund.
- d) "Vouchered" as used in this Section means that the voucher has been signed and dated, even though the warrant has not been issued by the Office of the State Comptroller.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999

- a) A QILDRO that applies to a person who became a member of the System prior to July 1, 1999, must be accompanied by the original Consent to Issuance of QILDRO signed by the member. If the original has been filed with the court is unavailable, a certified copy of the original consent form filed with the court that issued the QILDRO is acceptable in lieu of the original.
- b) The Consent to Issuance of QILDRO must be in the form adopted by the System as of the valid receipt date of the QILDRO is received. The required consent form is available from the System upon request. A consent form that is not in the form adopted by the System is invalid.
- c) In accordance with Section 1-119(m)(1) of the Act [40 ILCS 5/1-119(m)(1)], a consent form must be signed by the member to whom the QILDRO applies. A consent form signed by a judge or any person other than the member in lieu of the member is invalid. In the event of a dispute regarding the validity of a member's consent to issuance of a QILDRO, the System may, in its sole discretion, require a consent form bearing the member's notarized signature.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 1650.1119 Electing Form of Payment

- a) A member's election either to receive or forego a proportional annuity under the Retirement Systems Reciprocal Act [40 ILCS 5/20] is not a prohibited election under Section 1-119(j)(1) of the Act [40 ILCS 5/1-119(j)(1)].
- b) A member's election to take a refund is not a prohibited election under Section 1-119(j)(1) of the Act ~~[40 ILCS 5/1-119(j)(1)]~~.
- c) A member's election of a form of payment of annuity that reduces the member's total benefit, while still allowing full payment to the alternate payee under a QILDRO at the date of the election, is not a prohibited election under Section 1-119(j)(1) of the Act ~~[40 ILCS 5/1-119(j)(1)]~~.

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- d) A member's failure to elect a 2.2 upgrade, or failure to make all upgrade contributions in a timely fashion, is not a prohibited election under Section 1-119(j)(1) of the Act ~~[40 ILCS 5/1-119(j)(1)]~~.
- e) The System may, in its sole discretion, hold a proposed election until clarification is obtained from a court of competent jurisdiction as to whether the proposed election is a prohibited election under Section 1-119(j)(1) of the Act [40 ILCS 5/1-119(j)(1)]. It shall be the duty of the member or alternate payee to obtain such clarification upon request of the System.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 1650.1120 Automatic Annual Increases

- a) The alternate payee will or will not receive a proportionate share of any automatic annual increase in the member's retirement benefit under Section 16-136.1 of the Act [40 ILCS 5/16-136.1], according to the designation in the QILDRO.
- b) Except as provided in subsection (c) of this Section, the initial increase in the amount due the alternate payee under the QILDRO is payable with the next succeeding increase due the member after the effective date of the QILDRO ~~first took effect~~.
- c) In the event that the effective date of the QILDRO ~~is first takes effect~~ in the same month that the member's benefit is increased, the alternate payee's initial increase is not payable until the next succeeding increase in the member's benefit.
- d) The System will calculate the amount of any increase payable to the alternate payee under the QILDRO.
- e) The amount of any increase payable to the alternate payee (other than any increase resulting from the member's initial automatic annual increase) is the percentage of increase due the member under Section 16-133.1 or Section 16-136.1 ~~16-136.1~~ of the Act [40 ILCS 5/16-133.1, 16-136.1], multiplied by the alternate payee's monthly benefit as of the date of the increase.
- f) The amount of any increase payable to the alternate payee resulting from the member's initial automatic annual increase is the percentage of increase due the member under Section 16-133.1 or Section 16-136.1 ~~16-136.1~~ of the Act [40 ILCS 5/16-133.1, 16-136.1], multiplied by the alternate payee's monthly benefit as of the date of the increase, multiplied by the following a fraction;
- 1) The the numerator ~~of which~~ is the number of months elapsed between:
 - A) The later of the effective date of the QILDRO or the date of retirement, and
 - B) The the date that the initial increase becomes payable ; and
 - 2) The the denominator ~~of which~~ is the number of months elapsed between:
 - A) The the date of retirement, and
 - B) The the date that the initial increase becomes payable.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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Section 1650.1121 Reciprocal Systems QILDRO Policy Statement

It is the policy of the System to administer QILDROs consistent with the Policy Statement of the Association of Retirement Systems on Qualified Illinois Domestic Relations Orders (the "Reciprocal Systems QILDRO Policy Statement", dated June 1999 and available from the System by request) and any amendments thereto. To the extent that there is any conflict between ~~the rules contained in~~ this Subpart and the Reciprocal Systems QILDRO Policy Statement, this Subpart these rules shall control.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 1650.1122 Providing Benefit Information for Divorce Purposes

- a) Within 45 days ~~after~~ after receiving a subpoena or request from a member, the System will provide a statement for divorce purposes regarding the value of a member's retirement benefit through June 30 of the last completed school year for which data are on file with the System.
- b) Information provided by the System for divorce purposes does not include the value of a member's retirement benefit accrued during a school year for which data are not yet on file with the System.
- c) Information provided by the System for divorce purposes does not reflect an actuarial opinion as to the present values of a member's retirement benefit, refund, or other interests.
- d) Information provided by the System for divorce purposes reflects the member's total service career for which service credit in the System has accrued, and is not isolated as to the marital period only.
- e) The System does not calculate the amount of a member's retirement benefit or refund that would be payable to a former spouse pursuant to a divorce decree or dissolution judgment.
- f) While the System makes every effort to provide accurate information for divorce purposes, benefit estimates are by their nature approximate and subject to revision due to errors, omissions, erroneous assumptions, or future changes in the rules and laws governing the System.
- g) In accordance with Section 1650.160 of this Part pertaining to the confidentiality of member records, the System does not disclose information for divorce purposes to spouses, former spouses, relatives, or other third parties, including the member's attorney, except in response to the member's written authorization to release such information, or in response to a subpoena.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 1650.1123 Suspension and Expiration of a QILDRO

- a) If a member who is an annuitant of the System subject to a valid QILDRO re-enters active TRS membership, payments to the alternate payee will be suspended for the same period of time that the member's retirement benefits are suspended. Resumption of the alternate payee's payments will be subject to the same limitations that apply to resumption of the member's benefits.
- b) A QILDRO expires:
 - 1) Upon the death of the alternate payee, in which case the right to receive the affected benefit or refund will revert to the member.
 - 2) Upon the death of the member.
 - 3) When the member takes a refund that terminates his or her membership in the System, even if the member's refund is paid to an alternate payee. A QILDRO that expires because the member took a refund is not revived by the member's subsequent return to membership in the System.
 - 4) In accordance with the provisions of a valid court order terminating the QILDRO.

(Source: Added at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

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- 1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Program
- 2) Code Citation: 77 Ill. Adm. Code 2090
- 3)

	<u>Section Numbers:</u>	
	<u>Adopted Action:</u>	
2090.35		Amended
2090.40		Amended
- 4) Statutory Authority: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10].
- 5) Effective Date of Amendments: August 1, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 22, 2002; 26 Ill. Reg. 4052
- 10) Has JCAR Issued a Statement of Objections to this Rulemaking? No
- 11) Differences between proposal and final version: In Section 2090.35(d), changed “.” to “.”
- 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 Rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rulemaking limits the reimbursement of adolescent residential rehabilitation services to 120 per eligible client per benefit year.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

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100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield IL 62762
(217) 785-9772

The full text of the adopted amendments begins on the next page :

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER g: MEDICAID PROGRAM STANDARDS

PART 2090

SUBACUTE ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT SERVICES

Section	
2090.10	Purpose
2090.20	Definitions
2090.30	Medicaid Certification/Enrollment/Recertification
2090.35	General Requirements
2090.40	Reimbursable Services
2090.50	Quality Improvement
2090.60	Client Records
2090.70	Rate Setting
2090.80	Rate Appeals
2090.90	Inspections
2090.100	Sanctions for Non-Compliance/Audits
2090.105	Inspections (Renumbered)
2090.110	Sanctions for Non-Compliance (Renumbered)

AUTHORITY: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10].

SOURCE: Adopted at 11 Ill. Reg. 2236, effective January 14, 1987; emergency amendments at 12 Ill. Reg. 11273, effective June 30, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 20061, effective November 26, 1988; emergency amendments at 15 Ill. Reg. 10222, effective June 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16662, effective November 1, 1991; amended at 16 Ill. Reg. 11807, effective July 14, 1992; amended at 18 Ill. Reg. 14223, effective September 2, 1994; amended at 19 Ill. Reg. 9411, effective July 1, 1995; amended at 19 Ill. Reg. 10454, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 12489, effective August 30, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1600, effective January 27, 1997; recodified from the Department of Alcoholism and Substance Abuse to the Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 21 Ill. Reg. 14087, effective October 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 5895, effective March 13, 1998; emergency amendment at 22 Ill. Reg. 12189, effective June 24, 1998, for a maximum of 150 days; emergency expired November 21, 1998; amended at 22 Ill. Reg. 22403, effective December 8, 1998; emergency amendment at 23 Ill. Reg. 8832, effective July 23, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13879, effective November 4, 1999; emergency amendment at 26 Ill. Reg. 4426, effective March 8, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12631, effective Aug 1, 2002.

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Section 2090.35 General Requirements

- a) To be reimbursable, treatment services shall be provided in compliance with all provisions specified in 77 Ill. Adm. Code 2060. Specifically, physician and professional staff involvement in treatment services shall be in compliance with 77 Ill. Adm. Code 2060.417, 2060.419, 2060.421, 2060.423 and 2060.425. The provider shall only bill for services that are reimbursable.
- b) The provider shall submit Medicaid claims as soon after the service date as is reasonable unless there is good cause for later submission. In any event, all claims for services (both initial and previously rejected) must be submitted to the State on a timely enough basis to be paid within 12 months from the date of service. If such claims are not submitted within this time frame, the provider may request an exception from the Department and IDPA to allow these claims to be processed. Exceptions will only be granted if it is determined that the delay in submission was due to Department or IDPA processing errors.
- c) Information Collection
 - 1) The provider shall report, on a monthly basis, demographic and service system data using the Department's Automated Reporting and Tracking System (DARTS). The data collected shall be for the purpose of assessing individual client performance and for planning for future service development. Information to be reported by the provider, for each individual served by a program certified under Section 2090.90 of this Part, shall include but is not limited to the following:
 - A) Name, date of birth, gender, race and national origin, family size, income level, marital status, residential address, employment, education and referral source.
 - B) Special population designation, such as Medicaid eligible clients, women with dependent children, intravenous drug users (IVDUs), DCFS clients, DHS clients, and criminal justice clients.
 - C) Drug/alcohol problem areas treated, characterized by drugs of use, frequency of use, and medical diagnosis.
 - D) Closing date information, such as the reason for discharging the client from the program.
 - 2) The Department shall supply providers with DARTS software.
 - 3) Disclosure of information contained within DARTS is governed by the specific provisions of federal regulations under Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR 2 (1997)).
- d) The reimbursement limits herein shall not be applied in situations where to do so would deny an eligible individual under age 21 from receiving "early and periodic screening, diagnostic and treatment services" (ESPSDT) as defined in 42 USC 1396d(r). With the exception of adolescent residential rehabilitation as specified in Section 2090.40(c)(1) of this Part, services ~~Services~~ as set forth in this Part shall be reimbursable to an eligible individual under age 21 for as long as the services are

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clinically necessary pursuant to review which is consistent with subsection (a) of this Section. (The reimbursement limit for adolescent residential rehabilitation services as set forth in Section 2090.40(c)(2) of this Part is not considered to be a denial of required, early and periodic screening, diagnostic and treatment services.)

- e) The reimbursement limits herein shall not be applied where to do so would deny services to a pregnant woman that have been determined to be clinically necessary pursuant to review which is consistent with subsection (a). This exemption from the limits exists during the pregnancy and through the end of the month in which the 60-day period following termination of the pregnancy ends (post partum period), or until the services are no longer clinically necessary, whichever comes first. This exemption shall not apply to a woman who enters treatment services after delivery.
- f) The provider shall not be reimbursed for services delivered in more than one Medicaid covered subacute alcoholism or other drug abuse level of care per client per day except for ancillary psychiatric diagnostic services.
- g) Group treatment in Level I and II care shall be reimbursed only for up to 12 clients per group that are supported by any type of Department contract funding.

(Source: Amended at 26 Ill. Reg. 12631, effective Aug 1, 2002)

Section 2090.40 Reimbursable Services

- a) Level I: (formerly Outpatient Services)
 - 1) Definition
The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(b).
 - 2) Reimbursement
Level I treatment services delivered to clients are Medicaid-reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department and shall meet the requirements of IDPA rules for alcoholism and substance abuse treatment programs (89 Ill. Adm. Code 148.340 through 148.370). The billable unit of service is a client hour defined as face-to-face counseling with a diagnosed client in an individual or group setting. Reimbursement shall occur by a fee-for-service mechanism, using one client hour as the base unit of service, billable to the nearest quarter-hour. No more than 25 hours may be reimbursed for an eligible adult client per benefit year.
- b) Level II: (formerly Intensive Outpatient Services)
 - 1) Definition
The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(c).
 - 2) Reimbursement
Level II treatment services delivered to clients are Medicaid reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code

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148.370). Medicaid claims are submitted to the Department, and shall meet the requirements of IDPA rules for alcoholism and substance abuse programs (89 Ill. Adm. Code 148.340 through 148.370). The billable unit of service is a client hour defined as face-to-face counseling with a diagnosed client in an individual or group setting. Reimbursement shall occur by a fee-for-service mechanism, using one client hour as the base unit of service billable to the nearest quarter-hour. No more than 75 hours shall be reimbursed for an eligible adult client per benefit year.

c) Level III: (formerly Inpatient/Residential Services)

1) Definition-Adolescent Residential Rehabilitation

The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(d). Such treatment shall be for adolescents on a scheduled-only residential basis in a Medicaid enrolled hospital subacute setting, or to adolescents in a psychiatric facility or an inpatient program in a psychiatric facility, either of which is accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181.

Adolescent residential rehabilitation must be delivered in accordance with an adolescent's individualized treatment plan recommended by a physician if in a hospital setting, and under the direction of a physician if in a psychiatric facility.

2) Reimbursement

Adolescent residential rehabilitation treatment services delivered to clients are Medicaid reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department and shall meet the requirements of IDPA rules for alcoholism and substance abuse treatment programs (89 Ill. Adm. Code 148.340 through 148.370). Reimbursement shall occur on a per diem basis. Through June 30, 2003, no more than 120 days shall be reimbursed for an eligible client per benefit year.

3) Definition-Day Treatment

The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(d). The treatment shall be on a scheduled-only residential basis by a program licensed pursuant to 77 Ill. Adm. Code 2060 and certified as having 16 beds or fewer as specified in Section 2090.30 of this Part and excluding room and board, meals, night supervision of dormitory areas and other domiciliary support services. Treatment services may be provided to adults and adolescents.

4) Reimbursement

Day treatment services delivered to clients are Medicaid reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Day treatment services shall be reimbursed at a per diem rate. No more than 30 days shall be reimbursed for an eligible adult client per benefit year.

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- 5) **Definition - Medically Monitored Detoxification**
The provision of detoxification services as defined in 77 Ill. Adm. Code 2060.405(a). Such services shall occur in a Medicaid enrolled hospital subacute setting or in a residential program licensed pursuant to 77 Ill. Adm. Code 2060 and certified as having 16 beds or fewer as specified in Section 2090.30 of this Part, excluding room and board, meals, night supervision of dormitory areas and other domiciliary services. The treatment shall be for individuals 18 years or older (individuals who are 17 years old may be included provided that their assessment includes justification based on behavior and life experience).
- 6) **Reimbursement**
Medically monitored detoxification services delivered to clients are Medicaid reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department and shall meet the requirements of IDPA rules for alcoholism and substance abuse treatment programs (89 Ill. Adm. Code 148.340 through 148.370). Medically monitored detoxification shall be reimbursed at a per diem rate. No more than nine days shall be reimbursed for each eligible adult patient per benefit year.
- d) **Ancillary Psychiatric Diagnostic Services**
 - 1) Ancillary psychiatric diagnostic services are limited psychiatric evaluations to determine whether the client's primary condition is attributable to the effects of alcohol or drugs or to a diagnosed psychiatric or psychological disorder. Such an evaluation shall determine the client's primary condition and recommend appropriate treatment services.
 - 2) Reimbursable psychiatric evaluations are limited to a psychiatric evaluation/examination of a client and the exchange of information with the primary physician and other informants such as nurses, counseling staff, or family members and the preparation of a report including psychiatric history, mental status, and diagnosis. This service shall be performed by a psychiatrist.
 - 3) Reimbursable psychiatric evaluations may be delivered to clients where the need for such services is documented in the client's individualized treatment plan. Documentation of all such services shall be maintained in the client record.
 - 4) Ancillary diagnostic services delivered to clients are Medicaid-reimbursable on a per-encounter basis at the practitioner's usual and customary charge, not to exceed the prevailing rate as established by IDPA pursuant to 89 Ill. Adm. Code 140.400.

(Source: Amended at 26 Ill. Reg. 12631, effective Aug 1, 2002)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Individual's Right to Access and Review Criminal History Record Information
- 2) Code Citation: 20 Ill. Adm. Code 1210
- 3) Section Number: 1210.40 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 7 of the Criminal Identification Act [20 ILCS 2630/7] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].
- 5) Effective Date of Rulemaking: August 2, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 26 Ill. Reg. 7029, May 10, 2002
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued.
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The proposed amendments will clarify the appeal procedures to ensure they are consistent with current law.
- 16) Information and questions regarding this adopted amendment shall be directed to:

James W. Redlich
Chief Legal Counsel

DEPARTMENT OF STATE POLICE

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Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield IL 62794-9461
(217) 524-0346
Fax: (217) 524-5743

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1210
INDIVIDUAL'S RIGHT TO ACCESS AND REVIEW
CRIMINAL HISTORY RECORD INFORMATION

Section

1210.10	Definitions
1210.20	Procedures
1210.30	Fee
1210.40	Challenges

AUTHORITY: Implementing and authorized by Section 7 of the Criminal Identification Act [20 ILCS 2630/7] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted at 25 Ill. Reg. 12859, effective October 1, 2001; amended at 26 Ill. Reg. 12638, effective Aug 2, 2002.

Section 1210.40 Challenges

- a) An individual who believes his or her criminal history transcript is inaccurate may request a correction by submitting a written explanation to the Department.
- b) In the event the Department's response is not satisfactory to the individual, the individual may further pursue the matter using the administrative appeal ~~general hearing~~ procedures established by the Illinois Criminal Justice Information Authority ~~Department~~ (see 20 Ill. Adm. Code 1510 1200).

(Source: Amended at 26 Ill. Reg. 12638, effective Aug 2, 2002)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Division of Specialized Care for Children—Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 5155
- 3) Section Numbers: Adopted Action:
APPENDIX A Amendment
APPENDIX B Amendment
- 4) Statutory Authority: Implementing the Specialized Care for Children Act [110 ILCS 345] and authorized by Section 7 of the University of Illinois Act [110 ILCS 305/7] and the Freedom of Information Act [5 ILCS 140] and by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], and Open Meetings Act [5 ILCS 120].
- 5) Effective Date of Amendments: August 15, 2002
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: August 15, 2002
- 9) Notice of Proposal published in the Illinois Register: Not applicable as these are internal rules promulgated pursuant to Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/ 5-15].
- 10) Has JCAR issued a Statement of Objections to these amendments: Not applicable (Internal Rules)
- 11) Difference between the Second Notice proposal and final version: Not applicable (Internal Rules)
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable (Internal Rules)
- 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 the Amendments: Update addresses for regional offices and changes to organizational chart.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT

Charles N. Onufer, M.D., Director
Division of Specialized Care for Children
2815 West Washington, Suite 300
P.O. Box 19481
Springfield IL 62794-9481
(217) 793-2340 Fax: (217) 793-0773

The full text of the adopted amendments begins on the next page.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE F: EDUCATIONAL AGENCIES

CHAPTER VII: BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

PART 5155

DIVISION OF SPECIALIZED CARE FOR CHILDREN –
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section

- 5155.100 Applicability
- 5155.110 Information on Services Available through DSCC
- 5155.120 Public Requests for Information on Services Available through DSCC
- 5155.130 Public Requests for Access to Public Records of DSCC

SUBPART B: RULEMAKING

Section

- 5155.200 Procedure
- 5155.210 Public Hearings

SUBPART C: ORGANIZATIONAL STRUCTURE

Section

- 5155.300 Administrative Structure
- 5155.310 Service Structure

APPENDIX A Location of Central and Regional Offices

APPENDIX B Organizational Chart

AUTHORITY: Implementing Section 1 of the Specialized Care for Children Act [110 ILCS 345/1] and the Freedom of Information Act [5 ILCS 140] and authorized by Section 1 of the University of Illinois Act [110 ILCS 305/1], by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], the Freedom of Information Act [5 ILCS 140], State Records Act [5 ILCS 160], and Open Meetings Act [5 ILCS 120].

SOURCE: Adopted at 10 Ill. Reg. 3672, effective February 4, 1986; amended at 20 Ill. Reg. 3918, effective February 14, 1996; amended at 26 Ill. Reg. 12641, effective August 15, 2002.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT

Section 5155.APPENDIX A Location of Central and Regional Offices

<p>Central Administrative Office <u>University of Illinois at Chicago</u> <u>Div. of Spec. Care for Children</u> <u>2815 W. Washington, Ste. 300</u> <u>P.O. Box 19481</u> <u>Springfield, IL 62794-9481</u> <u>(217) 793-2350 (Voice)</u> <u>(800) 322-3722 (Toll Free – TDD)</u></p>	<p>City of Chicago–Metro South <u>1919 West Taylor, Room 722</u> <u>M/C 618</u> <u>Chicago, IL 60612-7254</u> <u>(312) 996-5753 (Voice)</u> <u>(312) 413-3894 (TDD)</u> <u>(800) 425-5454 (Toll Free)</u></p>	<p>Olney <u>1102A South West Street</u> <u>P. O. Box 159</u> <u>Olney, IL 62450-0159</u> <u>(618) 395-8461 (Voice)</u> <u>(618) 392-3869 (TDD)</u> <u>(888) 841-3232 (Toll Free)</u></p>
<p>Chicago Administrative Satellite Office <u>1919 West Taylor, 8th Floor</u> <u>M/C 618</u> <u>Chicago, IL 60612-7255</u> <u>(312) 996-6380 (Voice)</u></p>	<p>DuPage <u>8205 South Cass Avenue</u> <u>Suite #110</u> <u>Darien, IL 60561-5319</u> <u>(630) 964-9887 (Voice)</u> <u>(630) 964-9603 (TDD)</u> <u>(800) 455-2639 (Toll Free)</u></p>	<p>Peoria <u>State Regional Office Building</u> <u>5415 North University Avenue</u> <u>Room #106</u> <u>Peoria, IL 61614-4779</u> <u>(309) 693-5350 (Voice)</u> <u>(309) 693-5345 (TDD)</u> <u>(800) 382-8569 (Toll Free)</u></p>
<p>Regional Offices:</p> <p>Champaign <u>510 Devonshire, Suite A</u> <u>Champaign, IL 61820-7306</u> <u>(217) 333-6528 (Voice)</u> <u>(217) 244-8390 (TDD)</u> <u>(800) 779-0889 (Toll Free)</u></p>	<p>East St. Louis <u>State Regional Office Building</u> <u>#10 Collinsville Avenue</u> <u>Room 102</u> <u>E. St. Louis, IL 62201-3005</u> <u>(618) 583-2220 (Voice)</u> <u>(618) 875-3902 (TDD)</u> <u>(800) 842-7204 (Toll Free)</u></p>	<p>Rockford <u>State Regional Office Building</u> <u>4302 North Main Street</u> <u>Room #106</u> <u>Rockford, IL 61103-1209</u> <u>(815) 987-7571 (Voice)</u> <u>(815) 987-7995 (TDD)</u> <u>(800) 651-9319 (Toll Free)</u></p>
<p>City of Chicago –Metro Central <u>1919 West Taylor, Room 709</u> <u>M/C 618</u> <u>Chicago, IL 60612-7254</u> <u>(312) 996-7055 (Voice)</u> <u>(312) 413-3896 (TDD)</u> <u>(800) 905-9995 (Toll Free)</u></p>	<p>Marion <u>State Regional Office Building</u> <u>2309 West Main Street, Ste. 119</u> <u>Marion, IL 62959-1195</u> <u>(618) 997-4396 (Voice)</u> <u>(618) 993-2481 (TDD)</u> <u>(800) 451-0464 (Toll Free)</u></p>	<p>Rock Island <u>Rock Valley Office Park</u> <u>4711 - 44th Street, Ste. #1</u> <u>Rock Island, IL 61201-7169</u> <u>(309) 788-4300 (Voice)</u> <u>(309) 788-6443 (TDD)</u> <u>(800) 651-9526 (Toll Free)</u></p>
<p>City of Chicago –Metro North <u>1919 West Taylor, Room 701</u> <u>M/C 618</u> <u>Chicago, IL 60612-7254</u> <u>(312) 996-2723 (Voice)</u> <u>(312) 996-7584 (TDD)</u> <u>(800) 425-1068 (Toll Free)</u></p>	<p>Northeastern <u>1919 West Taylor, Room 714</u> <u>M/C 618</u> <u>Chicago, IL 60612-7254</u> <u>(312) 996-9063 (Voice)</u> <u>(312) 996-3099 (TDD)</u> <u>(800) 924-0623 (Toll Free)</u></p>	<p>Springfield <u>Quantum Centre</u> <u>421 South Grand West</u> <u>2nd Floor</u> <u>Springfield, IL 62704-3769</u> <u>(217) 524-2000 (Voice)</u> <u>(217) 524-2011 (TDD)</u> <u>(800) 946-8468 (Toll Free)</u></p>

~~Central Administrative Office:~~
~~University of Illinois~~
~~Division of Specialized Care for Children~~
~~2815 West Washington, Suite 300, P.O. Box 19481~~
~~Springfield, IL 62794-9481~~
~~(217) 793-2350 (Voice)~~

~~Regional Offices:~~

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT

~~CHAMPAIGN~~ Regional Office~~State Regional Office Building~~~~2125 South First Street~~~~Champaign, IL 61820-7401~~~~(217) 333-6528 (Voice)~~~~(217) 244-8390 (TDD)~~~~Chicago, City of:~~**~~METRO CENTRAL~~ Regional Office**~~1919 West Taylor Street, Rm. 709~~~~Chicago, IL 60612-7254~~~~(312) 996-7055 (Voice)~~~~(312) 413-3896 (TDD)~~**~~METRO NORTH~~ Regional Office**~~1919 West Taylor Street, Rm. 701~~~~Chicago, IL 60612-7254~~~~(312) 996-2723 (Voice)~~~~(312) 996-7584 (TDD)~~**~~METRO SOUTH~~ Regional Office**~~1919 West Taylor Street, Rm. 722~~~~Chicago, IL 60612-7254~~~~(312) 996-5753 (Voice)~~~~(312) 413-3894 (TDD)~~**~~DUPAGE~~ Regional Office**~~8205 South Cass Ave., Suite 110~~~~Darien, IL 60561-5319~~~~(708) 964-9887 (Voice)~~~~(708) 964-9603 (TDD)~~**~~EAST ST. LOUIS~~ Regional Office**~~State Regional Office Building~~~~#10 Collinsville Ave., Rm. 102~~~~East St. Louis, IL 62201-3005~~~~(618) 583-2220 (Voice)~~~~(618) 875-3902 (TDD)~~**~~MARION~~ Regional Office**~~State Regional Office Building~~~~2309 West Main Street~~~~Marion, IL 62959-1195~~

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT

~~(618) 997-4396 (Voice)~~

~~(618) 993-2481 (TDD)~~

~~Chicago Administrative Satellite Office:
University of Illinois at Chicago
Division of Specialized Care for Children
1919 West Taylor, 8th Floor
Chicago, IL 60612-7255
(312) 996-6380 (Voice)~~

~~**NORTHEASTERN** Regional Office
1919 West Taylor, Rm. 714
Chicago, IL 60612-7254
(312) 996-9063 (Voice)
(312) 996-3099 (TDD)~~

~~**OLNEY** Regional Office
702 West High Street
P.O. Box 159
Olney, IL 62450-0159
(618) 395-8461 (Voice)
(618) 392-3869 (TDD)~~

~~**PEORIA** Regional Office
State Regional Office Building, Rm. 106
5415 North University Avenue
Peoria, IL 61614-4779
(309) 693-5350 (Voice)
(309) 693-5345 (TDD)~~

~~**ROCKFORD** Regional Office
State Regional Office Building, Rm. 106
4302 North Main Street
Rockford, IL 61103-1209
(815) 987-7571 (Voice)
(815) 987-7995 (TDD)~~

~~**ROCK ISLAND** Regional Office
Rock Valley Office Park
4711 44th Street, Suite #1
Rock Island, IL 61201-7169
(309) 788-4300 (Voice)
(309) 788-6443 (TDD)~~

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT

~~SPRINGFIELD Regional Office
Quantum Centre, Second Floor
421 South Grand West
Springfield, IL 62704-3769
(217) 524-2000 (Voice)
(217) 524-2011 (TDD)~~

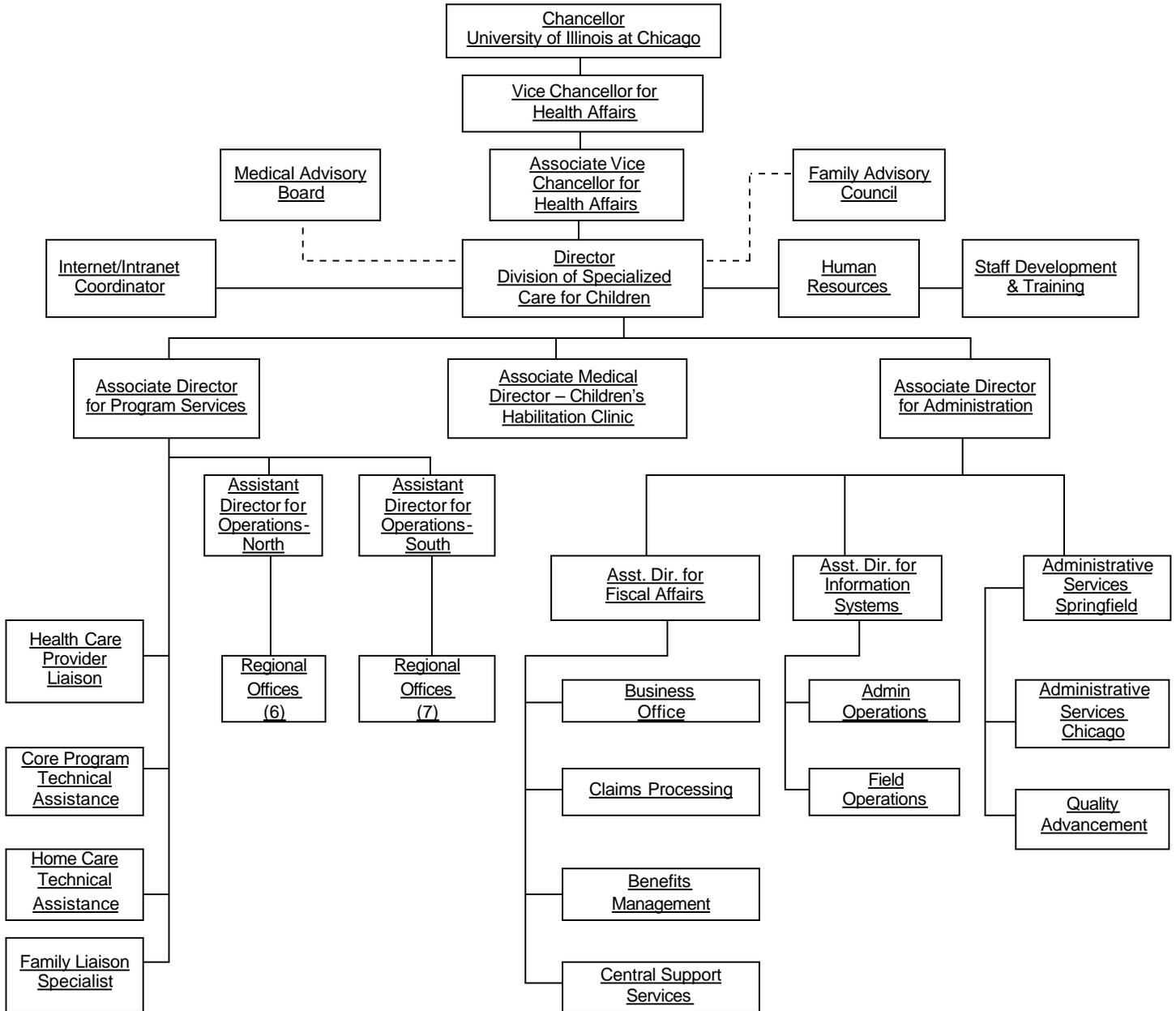
(Source: Amended at 26 Ill. Reg. 12641, effective August 15, 2002)

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT

Section 5155.APPENDIX B Organizational Chart

UNIVERSITY OF ILLINOIS AT CHICAGO – DIVISION OF SPECIALIZED CARE FOR CHILDREN



BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

Legend:

_____ Administrative Control

..... Functional Relationship

GRAPHIC MATERIAL

~~See printed copy of IAC for detail~~

(Source: Amended at 26 Ill. Reg. 12641, effective Aug 15, 2002)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Wildlife Conservation Measures and Practices
- 2) Code Citation: 17 Ill. Adm. Code 635
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
635.10	New Section
635.20	New Section
635.30	New Section
635.40	New Section
635.50	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36 of the Wildlife Code [520 ILCS 5/1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36].
- 5) Effective Date of Emergency Rules: August 1, 2002
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will remain in effect for the 150-day period.
- 7) Date filed with the Index Department: July 30, 2002
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Reason for Emergency: The reason for promulgation of this emergency rule stems from the recent discovery of Chronic Wasting Disease (CWD) less than 40 miles from the Illinois border in southern Wisconsin. Chronic wasting disease is a fatal neurological disease found in cervids (deer and elk). It belongs to the family of diseases known as transmissible spongiform encephalopathies (TSE's) or prion diseases, which include scrapie in sheep and bovine spongiform encephalopathy ("mad cow disease") in cattle. For many years CWD was known to occur only in a small area of northern Colorado and southern Wyoming. However, in the past few years the distribution of the disease has expanded into a number of other states and two Canadian provinces. There is no vaccine to prevent this disease, and it is incurable once contracted by an animal (i.e., always fatal). Because of this, regulations to prevent CWD from entering Illinois, and regulations to reduce the potential for the spread of this disease (and others) if it should occur in Illinois are necessary immediately.
- 10) A Complete Description of the Subjects and Issues Involved: The consequences of a CWD outbreak in Illinois are potentially great:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

- The disease could negatively impact the Illinois deer herd through direct mortality;
- Public fear of this disease could lead to a reluctance on the part of hunters to consume deer meat. Because of this, some deer hunters may no longer hunt, making it more difficult for IDNR to manage the deer herd using hunting programs;
- Local economies that depend heavily upon money generated by deer hunting, such as in west-central and southern Illinois, will be negatively impacted if hunter participation declines. Illinois is currently considered one of the premiere deer hunting states, but the presence of this disease would likely change that. It is estimated that deer hunting contributes more than 400 million dollars to Illinois' economy annually;
- The impact upon IDNR operations and budget would be great, with large manpower and monetary demands for surveillance and response programs.

The IDNR shares responsibility with the Department of Agriculture (DOA) for the regulation of captive deer and elk on game farms. Section 635.20 of this rule implements regulations to minimize the threat of CWD entering Illinois through interstate transportation of captive stock, and to monitor captive herds within Illinois for this disease. This language will complement new language proposed for DOA's Diseased Animals ad rule.

Section 635.30 (Importation of Animal Carcasses and Parts) prohibits the importation of hunter-harvested deer and elk carcasses into Illinois with the exception of deboned meat, antlers, antlered attached to skull caps, upper canine teeth, and finished taxidermist mounts. The agent that causes CWD becomes most concentrated in portions of deer/elk that are not normally consumed (i.e., brain, spinal chord, lymph nodes, tonsils, eyeballs, etc.); this regulation will prevent hunters from bringing potentially diseased animals into Illinois and disposing of inedible parts into the environment for possible introduction of the disease to Illinois deer.

Section 635.40 (Feeding or Baiting of Wildlife) prohibits feeding wild deer or other wildlife in areas where wild deer are present, with certain listed exceptions. Concentrations of deer at bait sites has been documented as an important contributor to the spread of disease within a herd. Eliminating this practice will enhance our chances of controlling CWD in the event it enters Illinois, and will also lessen the spread of other diseases that may occur as well.

11) Are there any proposed rules to this Part pending? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

- 12) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate.
- 13) Information and questions regarding these rules shall be directed to:

Cindy Bushur-Hallam
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

The full text of the Emergency Rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE RESOURCESPART 635
WILDLIFE CONSERVATION MEASURES AND PRACTICES

Section	
635.10	Definitions
635.20	Importation of Live Animals
635.30	Importation of Animal Carcasses and Parts
635.40	Feeding or Baiting of Wildlife
635.50	Penalties

AUTHORITY: Implementing and authorized by Sections 1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36 of the Wildlife Code [520 ILCS 5/1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36].

SOURCE: Adopted by emergency rulemaking at 26 Ill. Reg. 12653, effective August 1, 2002, for a maximum of 150 days.

Section 635.10 Definitions

Accredited Veterinarian - A veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture.

Cervids - All members of the family Cervidae, which includes deer, moose, elk and caribou.

Section 635.20 Importation of Live Animals

- a) Mammalia: Cervidae
 - 1) Elk entering Illinois shall originate from a certified brucellosis-free herd or be negative to a brucellosis card test or PCFIA test conducted within 60 days on all animals 6 months of age and over.
 - 2) Certified brucellosis-free cervid herds shall be established and maintained in accordance with the Brucellosis Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228; September 30, 1998, as amended May 14, 1999, and not including any later amendments or editions beyond the date specified) and the United States Department of Agriculture.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

- 3) All cervids entering Illinois must also be in compliance with the Illinois Diseased Animals Act [510 ILCS 50] and 8 Ill. Adm. Code 85 and the Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35] and 8 Ill. Adm. Code 80.
 - 4) All cervids entering Illinois must be accompanied by a permit from the Illinois Department of Agriculture and a Certificate of Veterinary Inspection that:
 - A) has been issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
 - B) is approved by the Animal Health Official of the state of origin;
 - C) shows that the cervids are free from visible evidence of any contagious, infectious or communicable disease or exposure thereto, do not originate from a Chronic Wasting Disease (CWD) endemic area (any county and surrounding counties where CWD has been diagnosed in the past five years), and includes the following statement: "All cervidae on this certificate originate from a CWD monitored or certified herd that has achieved a CWD disease-free status of at least five years and in which these animals have been kept for at least two years or were natural additions;
 - D) shows the cervids are not originating from a herd under quarantine for any contagious, infectious or communicable disease; and
 - E) lists each cervid's unique individual identification (approved ear tag, tattoo or microchip).
 - 5) No cervid may enter Illinois for immediate slaughter without obtaining the appropriate permit from the Illinois Department of Agriculture as specified in 8 Ill. Adm. Code 85.
- b) Other Animals
All other animals are exempted from this Section.

Section 635.30 Importation of Animal Carcasses and Parts

Importation of hunter-harvested deer and elk carcasses into Illinois is prohibited except for deboned meat, antlers, antlers attached to skull caps, hides, upper canine teeth (also known as "buglers", "whistlers", or "ivories"), and finished taxidermist mounts. Skull caps shall be cleaned of all brain and muscle tissue.

Section 635.40 Feeding or Baiting of Wildlife

It shall be illegal to make available food, salt, mineral blocks or other products for ingestion by wild deer or other wildlife in areas where wild deer are present. Exempted from this Section are the following:

- a) elevated bird/squirrel feeders providing seed, grain, fruit, worms, or suet for birds

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

- b) or squirrels located within 100 feet of a dwelling devoted to human occupancy; incidental feeding of wildlife within active livestock operations;
- c) feeding of wild animals, other than wild deer, by hand as long as a reasonable attempt is made to clean up unconsumed food;
- d) feeders for wildlife other than deer so long as deer are excluded from the feed in and around the feeder by fencing or other barriers;
- e) standing crops planted and left standing as food plots for wildlife;
- f) grain or other feed scattered or distributed solely as a result of normal agricultural, gardening, or soil stabilization practices;
- g) standing, flooded, or manipulated natural vegetation or food/seed deposited by natural vegetation;
- h) grain or other feed distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, for purposes of dove hunting;
- i) food material placed for capturing or killing wildlife pursuant to 520 ILCS 5/2.37, 2.30 and 1.3;
- j) scientific permits issued pursuant to 17 Ill. Adm. Code 520 that allow food to attract wildlife;
- k) any other permits issued by the Department of Natural Resources that require the attraction of wildlife for purposes of management, research or control.

Section 635.50 Penalties

Violation of the provisions of this Part is a Petty Offense with a maximum fee of \$1,000.

DEPARTMENT OF PUBLIC AID

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Register Citation to Notice of Proposed Amendments: July 19, 2002 (26 Ill. Reg. 11210)
- 4) Date, Time and Location of Public Hearing:

Friday, August 23, 2002
11:30 a.m. to 1:30 p.m.
Prescott E. Bloom Building
201 S. Grand Avenue East
Springfield, Illinois 62763-0002
- 5) Other Pertinent Information: The Department is scheduling a public hearing in response to a request from the Illinois Pharmacists Association concerning the Department's proposed amendments at 89 Ill. Adm. Code 140.402, Copayments for Noninstitutional Medical Services. These amendments describe copayments for prescription drugs and for office visits to physicians, chiropractors, podiatrists and optometrists. The public hearing will be for the sole purpose of gathering public comment on the proposed rulemaking.

Persons who plan to present testimony are asked to contact the following Department representative by letter, fax, telephone or e-mail prior to the date of the hearing. This prior notification of intent to present testimony is requested, but not required. Those who plan to attend the hearing, but will not be providing testimony, are also asked to contact the Department prior to the hearing.

Joanne Scattoloni
Office of the General Counsel, Rules Section
Department of Public Aid
201 South Grand Avenue East
Springfield, Illinois 62763-0002
Telephone: (217) 524-0081
FAX: (217) 524-2397
E-mail: AIDD11@mail.idpa.state.il.us

Persons interested in presenting testimony are advised that the Department will adhere to the following procedures in the conduct of the hearings:

1. Testimony will be limited to the proposed rulemaking at 89 Ill. Adm. Code 140, which was published on July 19, 2002, at 26 Ill. Reg. 11210.

DEPARTMENT OF PUBLIC AID

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

2. Persons will be recognized to present testimony in the order in which their notifications of intent to present testimony are received by the Department.
3. Persons presenting oral testimony are asked to provide a written (preferably typed) copy of their testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
4. Oral testimony on behalf of any individual, entity or association will be limited to five minutes for the presentation of such testimony.
5. All testimony will conclude at the time specified for the end of the hearing. Any person presenting testimony at that time will be allowed to use the allotted time.

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 July 30, 2002 through August 5, 2002 and have been scheduled for review by the Committee at its September 10, 2002 meeting in Chicago. 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 rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
9/11/02	<u>Department of Natural Resources</u> , Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill Adm Code 550)	6/7/02 26 Ill Reg 8226	9/10/02
9/13/02	<u>Department of Public Aid</u> , Hospital Services (89 Ill Adm Code 148)	3/1/02 26 Ill Reg 2974	9/10/02
9/13/02	<u>Department of Public Aid</u> , Hospital Services (89 Ill Adm Code 148)	3/22/02 26 Ill Reg 4056	9/10/02
9/13/02	<u>Department of Professional Regulation</u> , Illinois Orthotics, Prosthetics and Pedorthics Practice Act (68 Ill Adm Code 1325)	5/31/02 26 Ill Reg 7966	9/10/02
9/14/02	<u>Department of Natural Resources</u> , Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill Adm Code 530)	5/31/02 26 Ill Reg 7917	9/10/02

PROCLAMATIONS

2002-409**August 2002 Breastfeeding Promotion Month**

WHEREAS, breastfeeding plays an important role in protecting the health of infants as well as strengthening the bond between mother and child; and

WHEREAS, physicians, dietitians, nurses, lactation consultants, public health officials and other health professionals recognize breastfeeding as the normal and preferred infant feeding method; and

WHEREAS, communities, employers, families, friends and health professionals are encouraged to support breastfeeding; and

WHEREAS, the federal government, through the "Healthy People 2010" program, has set a national goal to increase the number of breastfed babies to 75 percent by the year 2010; and

WHEREAS, during the month of August, the Illinois Department of Human Services in conjunction with regional breastfeeding task forces, public and private organizations, physicians and hospitals throughout Illinois will be promoting the importance of breastfeeding;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2002 BREASTFEEDING PROMOTION MONTH in Illinois.

Issued by the Governor July 31, 2002

Filed by the Secretary of State August 2, 2002

2002-410**September 2002 as Ovarian Cancer Awareness Month**

WHEREAS, ovarian cancer is the sixth most common cancer among women, excluding non-melanoma skin cancers; and

WHEREAS, the American Cancer Society estimate that about 26,000 new cases of ovarian cancer will be diagnosed in the United States during 2002; and

WHEREAS, ovarian cancer is the fifth most common cause of cancer deaths among women, causing more deaths than any other cancer of the female reproductive system; and

WHEREAS, it is estimated there will be about 14,000 deaths from ovarian cancer in the United States during 2002; and

WHEREAS, about 78 percent of ovarian cancer patients survive one year after diagnosis and over 50 percent survive longer than five years after diagnosis; and

WHEREAS, if diagnosis and treatment begins before the cancer spreads outside the ovary, the five-year survival rate is 95 percent; and

WHEREAS, only 25 percent of all ovarian cancers are found at an early stage;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois proclaim September 2002 as OVARIAN CANCER AWARENESS MONTH in Illinois.

Issued by the Governor July 31, 2002

Filed by the Secretary of State August 2, 2002

2002-411**September 11, 2002 as Delta Sigma Theta 44th Annual Ebony Fashion Show Day**

WHEREAS, the Joliet Area South Suburban Chapter of Delta Sigma Theta Sorority, Inc.,

PROCLAMATIONS

is welcoming the 27th Annual Premier Showing of the Ebony Fashion Fair; and

WHEREAS, Delta Sigma Theta Sorority, Inc., was founded in 1913 with emphases in education and scholarship, physical and mental health, economic development, political and international awareness; and

WHEREAS, Delta Sigma Theta Sorority, Inc., is comprised of 210,000 women around the world, of which 5,000 are active in the State of Illinois; and

WHEREAS, these 5,000 college educated Sorors hold key leadership positions and are dedicated to public service throughout the State; and

WHEREAS, Joliet Area South Suburban Chapter remains committed to today's youth and the 44th Annual Ebony Fashion Show will provide scholarships and continuous involvement in the community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 11, 2002, as DELTA SIGMA THETA 44th ANNUAL EBONY FASHION SHOW DAY in Illinois.

Issued by the Governor July 31, 2002

Filed by the Secretary of State August 2, 2002

2002-412**July 31, 2002 as Father Mac Day**

WHEREAS, Monsignor Ignatius D. McDermott, has dedicated his life to caring for individuals who suffer from substance abuse and alcoholism in the Chicago area; and

WHEREAS, Father Mac, as Monsignor McDermott is affectionately known, entered his first assignment in the priesthood on the staff of a home for children, Maryville Academy in Des Plaines, Illinois, and learned first-hand of the devastating effects of alcoholism on families; and

WHEREAS, Father Mac has also served with distinction, grace and honor throughout the Chicagoland community at Our Lady of Peace, Catholic Charities, the Catholic Dependent Children Commission, and Holy Cross Mission, before founding several groups that serve both those afflicted by substance abuse and those who treat them; and

WHEREAS, Father Mac founded the Central States Institute of Addiction which provides training for those who counsel and treat alcoholics; and

WHEREAS, Father Mac founded Haymarket House, a treatment center that also served to bring about a change in the public perception of alcoholism; and

WHEREAS, Father Mac also established the McDermott Foundation to support the work of the McDermott Center and expand services to assist over 500 men and women; and

WHEREAS, the people of the State of Illinois owe Father Mac a debt of gratitude for his continual work to treat those who suffer with alcoholism and substance abuse and for his successful mission to change the attitudes of lawmakers, citizens, educators and others towards the working poor and alcoholism; and

WHEREAS, Father Mac has been celebrated as the "Apostle to the Alcoholics" and continues to be a source of inspiration for all of us who desire to make a positive change in our society;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 31, 2002, as FATHER MAC DAY in Illinois, on the occasion of Monsignor McDermott's 93rd birthday.

PROCLAMATIONS

Issued by the Governor July 13, 2002
Filed by the Secretary of State August 2, 2002

2002-413**September 7, 2002 as Chatham Railroad Museum Day**

WHEREAS, the Chicago and Alton railroad depot in Chatham, Illinois, is owned by the Village of Chatham and was restored by community volunteers in 1991-1993; the depot now houses the Chatham Railroad Museum, which is operated by the Chicago and Illinois Midland Chapter of the National Railway Historical Society and displays artifacts and research materials relating to the history of railroads in Central Illinois; and

WHEREAS, one hundred and fifty years ago, in 1852, the Chicago & Mississippi Railroad ran the first railroad train between the cities of Alton and Springfield, passing through the Village of Chatham; and

WHEREAS, one hundred years ago, in 1902, the Chicago & Alton Railroad, successor to the Chicago & Mississippi, rebuilt its depot in Chatham; and

WHEREAS, fifty years ago, in 1952, railroad passenger service at the Chatham depot ended on the Gulf, Mobile & Ohio Railroad, successor to the Chicago & Alton; and

WHEREAS, on September 7, 2002, the Chatham Railroad Museum will mark these significant anniversaries in Chatham's railroad history by holding the museum's grand opening celebration;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 7, 2002, as CHATHAM RAILROAD MUSEUM DAY in Illinois

Issued by the Governor July 13, 2002
Filed by the Secretary of State August 2, 2002

2002-414**November 2, 2002 as Alpha Kappa Alpha Sorority Day**

WHEREAS, the Monarch Awards Foundation of Xi Nu Omega Chapter of Alpha Kappa Alpha Sorority, Inc., will host its 20th Annual Monarch Awards Gala on Saturday, November 2, 2002; and

WHEREAS, the theme for the event is "A Tribute to Black Men", and will salute outstanding African-American men in the Chicagoland area whose contributions to their profession, society and mankind have long merited special recognition; and

WHEREAS, all monies raised for the program will be channeled back into the community for scholarships and donations to not-for-profit organizations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2, 2002, as ALPHA KAPPA ALPHA SORORITY DAY in Illinois.

Issued by the Governor July 13, 2002
Filed by the Secretary of State August 2, 2002

2002-415**September 2002 as Alcohol and Addiction Recovery Month**

PROCLAMATIONS

WHEREAS, the Department of Human Services/Office of Alcoholism and Substance Abuse celebrates September 2002 as National Alcohol and Drug Recovery Month; and

WHEREAS, acknowledging September 2002 offers advocates of substance abuse treatment an opportunity to educate the public and policymakers about the effectiveness of treatment, both societal and financial; and

WHEREAS, substance abuse is a major public health problem that affects millions of Americans of all ages, races, and ethnic backgrounds and in all communities, and which has a huge medical, societal and economic cost; and

WHEREAS, thousands of health care providers have dedicated their lives to the recovery process and to the education of the public about alcoholism, drug dependence, and treatment issues; and

WHEREAS, substance abuse is a treatable disease and treatment of addiction is as successful as the treatment of other chronic diseases such as diabetes, hypertension, and asthma;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as ALCOHOL AND ADDICTION RECOVERY MONTH in Illinois and encourage all citizens to support this year's theme - "Join the Voices of Recovery: A call to Action" - by supporting men, women and youth who are in alcohol and other drug addiction treatment and recovery.

Issued by the Governor July 13, 2002

Filed by the Secretary of State August 2, 2002

2002-416**October 26, 2002 as Make A Difference Day**

WHEREAS, each year USA WEEKEND magazine and the Points of Light Foundation challenge Americans to spend the fourth Saturday of October "making a difference" in their communities and in the lives of those in need; and

WHEREAS, Make a Difference Day was founded to promote volunteer efforts that make our communities a better place to live, work and play; and

WHEREAS, Make A Difference Day is the most encompassing national day of helping others -- a celebration of neighbors helping neighbors; and

WHEREAS, more than 2 million people volunteered during Make a Difference Day last year, accomplishing thousands of projects in hundreds of towns and helping an estimated 25 million people; and

WHEREAS, this year marks the 12th annual Make A Difference Day and millions of volunteers, corporations, government leaders and charitable organizations are expected to participate in Make a Difference Day activities; and

WHEREAS, a day of volunteerism and community service projects provide individuals and groups with an awareness of civic responsibility and a sense of personal accomplishment;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 26, 2002, as MAKE A DIFFERENCE DAY in Illinois.

Issued by the Governor July 13, 2002

Filed by the Secretary of State August 2, 2002

2002-417

PROCLAMATIONS

August 31, 2002 as Nancy Lopez Day

WHEREAS, in 1980, Nancy Lopez, at the age of 23, became the youngest player ever to obtain 20 wins with her first victory at the Rail Charity Golf Classic, and later in 1992, would achieve a career low round of 64 with a second Rail Charity Golf Classic victory; and

WHEREAS, with a total of 48 career victories, Ms. Lopez was inducted into the LPGA Hall of Fame in 1987 and the PGA World Golf Hall of Fame in 1989; and

WHEREAS, Ms. Lopez was named "Golfer of the Decade" by GOLF Magazine for the years 1978-1987; and

WHEREAS, Ms. Lopez received the Flo Hyman Award from the Women's Sports Foundation in 1992 and the USGA Bob Jones Award for distinguished sportsmanship in the game of golf in 1998; and

WHEREAS, Ms. Lopez received the Golf Writer's Association Richardson Award in 2000; and

WHEREAS, Ms. Lopez was named one of the LPGA's top 50 players of all-time in 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 31, 2002, as NANCY LOPEZ DAY in Illinois.

Issued by the Governor July 29, 2002

Filed by the Secretary of State August 2, 2002

2002-418**August 17-18, 2002 as Schwaben Verein Days**

WHEREAS, the Schwaben Verein will be celebrating its 125th Schwaben Fest (Cannstatter Volksfest), this year on August 17-18, 2002, at The Schwaben Center in Buffalo Grove, Illinois; and

WHEREAS, thanks to the hard work of President George Boehm and the Board of Directors of the Schwaben Verein, as well as the individual members who donate their time, the Festival will be successful; and

WHEREAS, the Schwaben Verein was founded in the year 1878 in Chicago to promote and protect the Schwaben heritage and culture; and

WHEREAS, the Schwaben Verein is still promoting their heritage today by sponsoring many functions each year. Those functions, in addition to the Schwaben Fest, include an Anniversary Dance, an Oktoberfest, and a Christmas Party; and

WHEREAS, the Schwaben Verein also participates in various events sponsored by the German community in Chicago including the Von Steuben Parade, the German American Fest, and the German Day Commemoration; and

WHEREAS, this year's feature at the Schwaben Verein Fest, will be the "Evergreens," from Germany playing traditional German and American musical favorites; and

WHEREAS, local German dance and singing youth groups will perform throughout the weekend;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 17-18, 2002, as SCHWABEN VEREIN DAYS in Illinois.

Issued by the Governor July 29, 2002

PROCLAMATIONS

Filed by the Secretary of State August 2, 2002

2002-419**September 13-14, 2002 as Carbondale Main Street Barbecue Cookoff Days**

WHEREAS, the 6th annual Main Street Pig Out Barbecue Cookoff will be hosted by Carbondale Main Street, an Illinois Main Street Community, in Carbondale, Illinois, on Friday, September 13 and Saturday, September 14, 2002; and

WHEREAS, Main Street Pig Out encourages partnerships between the City of Carbondale, the Carbondale Chamber of Commerce, Southern Illinois University, Carbondale Convention & Tourism, businesses of Downtown Carbondale, several corporate sponsors, and over 300 private citizens serving as volunteers; and

WHEREAS, the Carbondale Main Street Pig Out is a festival centered on a Kansas City Barbecue Society sanctioned barbecue contest; and

WHEREAS, last year's Pig Out drew 10,000 people to Downtown Carbondale to enjoy excellent food, outstanding music, and variety of family and children activities.

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 13-14, 2002, as CARBONDALE MAIN STREET BARBECUE COOKOFF DAYS in Illinois.

Issued by the Governor July 29, 2002

Filed by the Secretary of State August 2, 2002

2002-420**July 30, 2002 as the Honorable Ms. Sheikh Hasina Day**

WHEREAS, the Honorable Ms. Sheikh Hasina is the oldest child of the Father of the Nation Sheikh Mujibur Rahman, the founder of the independent Bangladesh; and

WHEREAS, the Honorable Ms. Sheikh Hasina was unanimously elected President of the Bangladesh Awamy League in 1981, and in 1986, was elected Leader of the Opposition while winning three seats in the parliamentary elections; and

WHEREAS, on June 23, 1996, the Honorable Ms. Sheikh Hasina assumed the office of the Prime Minister of Bangladesh where she would adopt numerous pragmatic policies for overall development of the nation including poverty alleviation; and

WHEREAS, the Honorable Ms. Sheikh Hasina has been awarded numerous times for her work, including the UNESCO's Houphouet-Boigny Peace Prize in 1998 for her outstanding contribution in bringing peace through ending the 25 years of local conflict, and the UN Food and Agriculture Organizations' prestigious "CERES" medal in recognition for her fight against hunger; and

WHEREAS, the Honorable Ms. Sheikh Hasina will be visiting Chicago upon the request of the Bangladeshi community on July 30, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 30, 2002, as the HONORABLE MS. SHEIKH HASINA DAY in Illinois.

Issued by the Governor July 29, 2002

Filed by the Secretary of State August 2, 2002

2002-421

PROCLAMATIONS

Congratulate Barbara Jean Newman on her 25 years

WHEREAS, Barbara Jean Newman first began working with the Illinois Student Assistance Commission, then known as the Illinois State Scholarship Commission, on August 5, 1976; and

WHEREAS, Ms. Newman first began her employment as a Clerk Typist 1, advancing through the Clerk Typist Series, before becoming a Secretary in 1983; and

WHEREAS, Ms. Newman was promoted to Office Coordinator in 1988 for the Illinois Student Assistance Commission and now serves as the Springfield Office Manager; and

WHEREAS, Ms. Newman's superlative customer service to clients and colleagues alike has been recognized and praised by both the Commission and the people she has helped; and

WHEREAS, Ms. Newman has exhibited an unparalleled work ethic and dedication to the Commission and her responsibilities; and

WHEREAS, Ms. Newman is beloved and respected by everyone with whom she works; and

WHEREAS, Ms. Newman's ever-present smile and easy laugh have brightened the days of many ISAC coworkers; and

WHEREAS, Ms. Newman's dedication is not limited to her work, but is reflected as well in her personal life, as evidenced by her devotion to God, her loving family, and her countless friends;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, congratulate Barbara Jean Newman on her 25 years of exemplary service to the Illinois Student Assistance Commission and the State of Illinois.

Issued by the Governor July 29, 2002

Filed by the Secretary of State August 2, 2002

2002-422**The First Day of School Holiday**

WHEREAS, Illinois families and communities have been working to improve the educational system through parent involvement and community support for schools; and

WHEREAS, the Partnership for Family Involvement in Education (PFIE) has been working to support learning right from the first day of the school year and strengthen family-school partnerships in Illinois; and

WHEREAS, the Partnership for Family Involvement in Education has been working to expand the FIRST DAY OF SCHOOL HOLIDAY into a state-wide initiative; and

WHEREAS, the State of Illinois will be leading the way as the first State to promote the FIRST DAY OF SCHOOL HOLIDAY across the State; and

WHEREAS, the State of Illinois is a leader in strengthening the educational system in this country and in ensuring that the education of our children involves both schools and parents;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim each first day of each school as THE FIRST DAY OF SCHOOL HOLIDAY in Illinois.

Issued by the Governor July 29, 2002

Filed by the Secretary of State August 2, 2002

PROCLAMATIONS

2002-423**November 2, 2002 as German Carnival Day**

WHEREAS, the German American community has made significant contributions in all areas of life including education, medicine, science, business, arts, technology, government and public service in Illinois; and

WHEREAS, the K.G. Rheinischer Verein Chicago, German Mardi Gras Society, celebrates its 113th anniversary season, 2002-2003, with the crowning of the new Prince and Princess of Karneval in the ball on November 2, 2002, at the Rosemont Convention Center; and

WHEREAS, the Karneval has long been a tradition observed for hundreds of years in all parts of Germany. Karneval is most prevalent around the beautiful Rhineland in the heart of Germany; and

WHEREAS, each year the K.G. Rheinischer Verein elects a Prince and the Prince in turn selects a Princess to represent the club, the City of Chicago, and head the fun and frivolity; and

WHEREAS, this season's Prince, Prinz Wilfried I, and his lovely Princess, Prinzessin Wilma I, are the Prinzessen Paar to represent the Rheinischer Verein; and

WHEREAS, the Prince and Princess will preside over the following fun-filled functions of the 2003 Karneval season; Maskenball (Masquerade Ball) on February 22, 2003, at the Rosemont Convention Center and the Rosemontag (Rose Monday) at the D.A.N.K House on February 24, 2003;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2, 2002, as GERMAN CARNIVAL DAY in Illinois.

Issued by the Governor August 2, 2002

Filed by the Secretary of State August 5, 2002

2002-424**September 15-21, 2002 as Christian Heritage Week**

WHEREAS, the Preamble to the Constitution of the State of Illinois states that "We the people of the State of Illinois, grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors...and secure the blessings of freedom and liberty to ourselves and our posterity, do ordain and establish this Constitution for the State of Illinois"; and

WHEREAS, at the Constitutional Convention in 1787, Benjamin Franklin stated, "It is impossible to build an empire without our Father's aid. I believe the sacred writings which say that "Except the Lord build the house, they labor in vain that build it.""(Psalm 127:1); and

WHEREAS, George Washington enunciated "animated alone by the pure spirit of Christianity, and conducting ourselves as the faithful subjects of our free government, we may enjoy every temporal and spiritual felicity"; and

WHEREAS, Thomas Jefferson, author of the Declaration of Independence wrote: "Can the liberties of a nation be secure when we have removed the conviction that these liberties are the gift of God"; and

WHEREAS, James Madison, father of the U.S. Constitution, advocated "the diffusion of the light of Christianity in our nation" in his Memorial and Remonstrance; and

PROCLAMATIONS

WHEREAS, Patrick Henry quoted Proverbs 14:34 for our nation, which says "Righteousness alone can exalt a nation, but sin is a disgrace to any people"; and

WHEREAS, George Mason, in his Virginia Declaration of Rights, forerunner to our U.S. Bill of Rights, affirmed "That it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other"; and

WHEREAS, these, and many other truly great men and women of America, giants in the structuring of American history, were Christian statesmen of caliber and integrity who did not hesitate to express their faith;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 15-21, 2002, as CHRISTIAN HERITAGE WEEK in Illinois.

Issued by the Governor August 2, 2002

Filed by the Secretary of State August 5, 2002

2002-425**October 6-12, 2002 as Change the World of a Child Week**

WHEREAS, within the State of Illinois, approximately 30 percent of students currently enrimpair their abilities to become employed gainfully; and

WHEREAS, The Michael Allen LeGrand Memorial Scholarship and Neuroscience Research Foundation has been established to alter the course of education for the learning delayed population throughout the United States of America; and

WHEREAS, The Michael Allen LeGrand Memorial Scholarship and Neuroscience Research Foundation has committed to fund-raising activities for the State of Illinois and has further committed to returning these dollars to the students of Illinois in the form of scholarships to attend community college, research treatments for learning delays and provisions of professional development opportunities to those educating the learning delayed in Illinois; and

WHEREAS, the citizens, businesses and educators, both public and private, of the State of Illinois are called upon to celebrate Change the World of a Child Week in acknowledging and rewarding the efforts children and adults in the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6-12, 2002, as CHANGE THE WORLD OF A CHILD WEEK in Illinois.

Issued by the Governor August 2, 2002

Filed by the Secretary of State August 5, 2002

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF REVOCATION UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987**

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of Residential Credit Corporation, License No. 5851, of Westminster, CA., a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 26, 2002.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER
OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING
FISCAL YEAR 2002

Section 28.1(d)(3) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(3) (2000)) requires the Board to annually publish in the *Illinois Register* and *Environmental Register* a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standards and combined sewer overflow exception determinations made by the Board during the fiscal year 2002 (July 1, 2001 through June 30, 2002).

**Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings
During Fiscal Year 2002 (July 1, 2001 through June 30, 2002)**Docket/Docket TitleFinal Determination

In the Matter of: Petition of Progressive Environmental Services, Inc. d/b/a Antifreeze Recycling for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c) (January 10, 2002), AS 01-07

The Board granted this Jersey County facility an adjusted standard from the definition of "solid waste." The Board found that the used antifreeze that Progressive Environmental Services, Inc. accepts and treats for resale was a commodity-like product under 35 Ill. Adm. Code 720.131(c) and as such was exempted from the Board's solid waste regulations concerning manifesting, transportation, management, closure, and record keeping practices.

In the Matter of: Petition of Rhodia, Inc., Thorn Creek Basin Sanitary District, Takasago Corporation (U.S.A.) and Consumers Illinois Water Company for an Adjusted Standard From 35 Ill. Adm. Code 302.208 and 304.105 (January 10, 2002), AS 01-09

The Board granted this Cook County facility an adjusted standard, subject to conditions, from the water quality standards for the discharge of sulfates and total dissolved solids at 35 Ill. Adm. Code 304.105. The Board found that the request for relief from 35 Ill. Adm. Code 302.208 was unnecessary.

In the Matter of: Petition of City of Elgin for an Adjusted Standard From 35 Ill. Adm. Code 302.204 (February 7, 2002), AS 01-01

The Board allowed the City of Elgin, located in Kane County, to voluntarily withdraw its petition for an adjusted standard from the Board's effluent standard and water quality standard for pH.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

In the Matter of: Petition of the City of Belleville for an Adjusted Standard From 35 Ill. Adm. Code 306.305 (March 21, 2002)
AS 99-01

The Board granted the City of Belleville, located in St Clair County, an adjusted standard, subject to conditions, from the Board's combined sewer overflow disinfection requirements.

In the Matter of: Petition of World Recycling, Inc. d/b/a Planet Earth Antifreeze for an Adjusted Standard From 35 Ill. Adm. Code 720.131 (c) (May 2, 2002),
AS 02-02

The Board granted this Winnebago County facility an adjusted standard from the definition of "solid waste." The Board found that the used antifreeze that Planet Earth accepts and treats for resale was a commodity-like product under 35 Ill. Adm. Code 720.131(c) and as such was exempted from the Board's solid waste regulations concerning manifesting, transportation, management, closure, and record keeping practices.

In the Matter of: Petition of Central Illinois Light Company (E.D. Edwards Generating Station) for an Adjusted Standard From 35 Ill. Adm. Code 214.141 (May 2, 2002)
AS 02-04

The Board dismissed this Peoria County facility's request for an adjusted standard from the Board's sulfur dioxide emissions standards. Finding that the site-specific rulemaking process was a more appropriate mechanism for the relief being sought in the adjusted standard, at petitioner's request the Board opened the pending rulemaking proceeding R02-21 Petition of Central Illinois Light Company (E.D. Edwards Generating Station) for a Site-Specific Air Regulation: 35 Ill. Adm. Code 214.561.

In the Matter of: Material Service Corporation Petition for an Adjusted Standard From 35 Ill. Adm. Code 302.208, 406.202, and 304.105 (June 6, 2002)
AS 02-01

The Board granted this Cook County facility an adjusted standard, subject to conditions, from the Board's total dissolved solids and sulfate water quality standards at 35 Ill. Adm. Code 406.202 and 304.105. The Board found that the request for relief from 35 Ill. Adm. Code 302.208 was unnecessary.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

Final Actions Taken by the Board in Combine Sewer Overflow Exception Proceedings During Fiscal Year 2002 (July 1, 2001 through June 30, 2002)

The Board took no action in combined sewer overflow exception proceedings during fiscal year 2002. (But see related adjusted standard AS 99-01 described above: In the Matter of: Petition of the City of Belleville for an Adjusted Standard From 35 Ill. Adm. Code 306.305 (March 21, 2002).)

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2002 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (68 Ill. Adm. Code 1175)
- 1) Rulemaking:
- A) Description: Various changes will be made in cosmetology, esthetics, and nail technology programs to reflect statutory changes and current practices.
- B) Statutory Authority: [225 ILCS 410]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Fall 2002
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed barbers, cosmetologists, estheticians, nail technicians, shops and salons will be affected.
- F) Agency contact person for information:
- Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Collection Agency Act (68 Ill. Adm. Code 1210)
- 1) Rulemaking:
- A) Description: Ethical standards for this industry and a definition of "reasonable costs" will be proposed.
- B) Statutory Authority: [225 ILCS 425]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2002 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed collection agencies will be affected.
- F) Agency contact person for information:
- Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)
- 1) Rulemaking:
- A) Description: Various sections will be amended, including fees by rule and education and experience requirements, to reflect the sunset reauthorization of the Act (PA 92-719).
- B) Statutory Authority: [225 ILCS 107]
- C) Scheduled meeting/hearing date: No hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed professional counselors and licensed clinical professional counselors will be affected.
- F) Agency contact person for information:
- Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2002 REGULATORY AGENDA

217/785-0813

Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (68 Ill. Adm. Code 1240)
- 1) Rulemaking:
- A) Description: Various sections will be amended concerning fingerprinting and the PERC card process as a result of HB 4879.
- B) Statutory Authority: [225 ILCS 446]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Fall 2002
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed private detectives, security contractors, alarm contractors and locksmiths, their agencies and their employees and applicants for licensure under this Act may be affected.
- F) Agency contact person for information:
- Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Dietetic and Nutrition Services Practice Act (68 Ill. Adm. Code 1245)
- 1) Rulemaking:

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2002 REGULATORY AGENDA

- A) Description: Various sections will be amended, including a single licensure category, to reflect the sunset reauthorization of the Act (PA 92-642).
- B) Statutory Authority: [225 ILCS 30]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Dietitians and nutrition counselors and their education providers will be affected.
- F) Agency contact person for information:
- Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Environmental Health Practitioner Licensing Act (68 Ill. Adm. Code 1247)
- 1) Rulemaking:
- A) Description: Various sections will be amended to reflect the sunset reauthorization of the Act (SB 1689).
- B) Statutory Authority: [225 ILCS 37]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2002 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed environmental health practitioners will be affected.
- F) Agency contact person for information:
- Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Nursing and Advanced Practice Nursing Act (68 Ill. Adm. Code 1300 and 1305)
- 1) Rulemaking:
- A) Description: Rules will be promulgated to allow temporary practice of APNs as provided by PA 92-744. Other sections may be amended to provide consistency between the Act and Rules.
- B) Statutory Authority: [225 ILCS 65]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed practical nurses, registered nurses and APNs and applicants for licensure will be affected.
- F) Agency contact person for information:
- Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2002 REGULATORY AGENDA

Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Physical Therapy Licensing Act (68 Ill. Adm. Code 1350)
- 1) Rulemaking:
- A) Description: This Part will be modified to provide for credentialing of non-approved educational programs.
- B) Statutory Authority: [225 ILCS 90]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- E) Effect on small businesses, small municipalities or not for profit corporations: Physical therapist and physical therapist assistant applicants and their education providers may be affected.
- F) Agency contact person for information:
- Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Illinois Roofing Industry Licensing Act (68 Ill. Adm. Code 1460)
- 1) Rulemaking:
- A) Description: This Part will be amended to provide for examination of applicants pursuant to Public Act 91-950.
- B) Statutory Authority: [225 ILCS 335]

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2002 REGULATORY AGENDA

- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed roofing contractors and applicants for licensure will be affected.
- F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None.
- j) Part(s) (Heading and Code Citation): Veterinary Medicine and Surgery Practice Act of 1994 (68 Ill. Adm. Code 1500 and 1505)
- 1) Rulemaking:
- A) Description: Technical clean-up changes may be made in these Parts.
- B) Statutory Authority: [225 ILCS 115]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed veterinarians and veterinary technicians and applicants for licensure may be affected.
- F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2002 REGULATORY AGENDA

Springfield IL 62786

217/785-0813

Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None
- k) Part(s) (Heading and Code Citation): Wholesale Drug Distribution Licensing Act (68 Ill. Adm. Code 1510)
- 1) Rulemaking:
- A) Description: This Part will be amended to provide for fee by rule and other statutory changes included in the sunset reauthorization of the Act (PA 92-586).
- B) Statutory Authority: [225 ILCS 120]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed wholesale drug distributors and applicants for licensure will be affected.
- F) Agency contact person for information:
- Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC AID

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- a) Part(s) (Heading and Code Citation): Freedom of Information (2 Ill. Adm. Code 1101)
- 1) Rulemaking:
- A) Description: The Department plans to amend the Freedom of Information rules as they pertain to charges for requested copies of public records.
- B) Statutory Authority: Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], the Freedom of Information Act [5 ILCS 140] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when the Notice of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:
- Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Medical Assistance Programs (89 Ill. Adm. Code 120)
- 1) Rulemaking:

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- A) Description: The Department plans to propose rulemaking to implement a new Medicaid waiver program, Family Care. For families with children, the income standard for medical assistance eligibility will be increased to approximately 55 percent of the Federal Poverty Level. Under the Family Care waiver, federal matching funds will be provided at a level of 65 percent for covered services.
- B) Statutory Authority: Public Act 92-0597 and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department anticipates that the Notice of Proposed Rulemaking will be submitted for publication in the *Illinois Register* in September 2002.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda..
- F) Agency contact person for information:
- Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Children's Health Insurance Program (89 Ill. Adm. Code 125)
- 1) Rulemaking:

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- A) Description: If authorized by the federal government and the Illinois General Assembly, the Department will propose rulemaking to implement a family (parent) coverage program and to receive federal matching funds on several State health benefits programs.

Pursuant to Public Act 92-0597, the Department plans to propose rulemaking that requires the family of an eligible child to promptly report those changes in income and other circumstances that affect KidCare eligibility. The eligibility of a child may be redetermined based on the information reported or may be terminated based on the failure to report or failure to report accurately. A child's parent or caretaker relative may also be held liable to the Department for any payments made by the Department on such child's behalf that were inappropriate. An applicant shall be provided with notice of these obligations.

Upon approval of a State Plan Amendment, the Department intends to eliminate the three month wait period after loss of insurance coverage before a child can be eligible for KidCare.

- B) Statutory Authority: Implementing and authorized by the Children's Health Insurance Program Act [215 ILCS 106], Public Act 92-0597 and Section 12-13 of the Illinois Public Aid Code [305 ILCSA5/12-13]
- C) Schedule of meeting or hearing dates: The Department has not yet established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when the Notice of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid

DEPARTMENT OF PUBLIC AID

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201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Medical Payment (89 Ill. Adm. Code 140)

1) Rulemaking:

A) Description: Amendments will be proposed to require owners, officers and managers of non-emergency transportation providers to undergo a criminal background check upon enrollment and periodically thereafter; establish probationary enrollment for non-emergency transportation providers; expand the length of termination for health care fraud convictions; provide for interest on overpayments resulting from fraud or willful misrepresentation; establish criteria as to when payments may be released during the pendency of a termination hearing; terminate non-emergency transportation providers prior to a hearing; establish criteria of when a surety bond will be required for non-emergency transportation providers; and to modify prior and post approval requirements and time frames.

Proposed amendments are planned for the transfer of the Hemophilia Program from Department of Human Services to the Department. The Illinois Hemophilia Program pays only for Illinois residents that have financially qualified for the Program. The Program is a payer of last resort: after Medicare and/or private insurance, after other government agencies, and after a patient's determined participation fee, if applicable, and if the patient is not eligible for public assistance at the time of the service being billed. The Department has operated this program since July 1998.

Proposed amendments are planned regarding the In-Home Care Program to reflect a more complete list of programs, including the University of Illinois Chicago Division of Specialized Services for Children (medically fragile, technology dependent children), and to provide updates on current agency names.

The Department intends to amend the rules concerning Home and Community Based Services (HCBS) Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21. The amendments, to be proposed under a home and community based waiver,

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will specify functions pursuant to an interagency agreement, make changes in eligibility criteria and the requirements for a plan of care, and add provisions requiring family participation and reevaluation of the level of care.

As one of the final steps under Public Act 87-996 in the transfer of responsibility to the Department of Human Services (DHS) for administering programs for persons with developmental disabilities (including Medicaid funded intermediate care facilities (ICF/MR)), DHS will adopt its own rules relating to ICF/MR facility services and responsibilities. Rules relating to ICF/MR facilities currently under the Department will be amended accordingly.

The Department plans to propose rulemaking to amend the current provisions on audits to allow vendors 45 days to respond to audit findings, to allow additional documentation for reaudit and to provide that only one reaudit will be conducted. If a response is not received, the matter will be referred for administrative hearing to recover the amounts sought.

Amendments will be proposed clarifying Medicaid coverage requirements for home health services.

- B) Statutory Authority: Section 1915(c) of the Social Security Act (42 USC 1396n(c)) (Federal Waiver Authority) and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

DEPARTMENT OF PUBLIC AID

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Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Specialized Health Care Delivery systems (89 Ill. Adm. Code 146)
- 1) Rulemaking:
- A) Description: The Department intends to propose changes regarding dental services performed in Ambulatory Surgical Treatment Centers (ASTCs) or outpatient hospital settings.
- The Department plans to propose amendments relating to Supportive Living Facilities (SLFs). Because of program growth, additional requirements and clarifying provisions will be added to the rules. Changes will also be proposed concerning eligibility criteria that relate to SLF admissions to increase SLF access for potential residents.
- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when the Notice of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

DEPARTMENT OF PUBLIC AID

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F) Agency contact person for information:

Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

G) Related rulemakings and other pertinent information: Nonef) Part(s) (Heading and Code Citation): Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)1) Rulemaking:

- A) Description: The Department intends to amend provisions relating to intermediate care facilities for persons with developmental disabilities (ICF/MR). As one of the final steps under Public Act 87-996 in the transfer of responsibility to the Department of Human Services (DHS) for administering programs for persons with developmental disabilities (including Medicaid funded ICFs/MR), DHS will adopt its own rules relating to ICF/MR services and responsibilities. Rules relating to ICF/MR facilities currently under the Department will be amended accordingly.
- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when the Notice of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not for profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not for profit corporations. The Department will accept and consider any written

DEPARTMENT OF PUBLIC AID

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comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

G) Related rulemakings and other pertinent information: Noneg) Part(s) (Heading and Code Citation): Hospital Services (89 Ill. Adm. Code 148)1) Rulemaking:A) Description: The Department intends to propose changes regarding dental services performed in outpatient hospital settings or Ambulatory Surgical Treatment Centers (ASTCs).

The hospital services rules will be amended by repealing requirements on the use of hospital cost reports in determining the amount of Disproportionate Share (DSH) adjustment payments. New requirements will be added on the use of the Department's adjudicated claims data to capture the numbers needed to determine total Medicaid inpatient days from which DSH adjustment payments will be determined.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking

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may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

G) Related rulemakings and other pertinent information: Nonei) Part(s) (Heading and Code Citation): Child Support Enforcement (89 Ill. Adm. Code 160)1) Rulemaking:

A) Description: The Department plans to add provisions on the establishment of voluntary paternity. When the Department first began establishing paternity administratively, the voluntary paternity acknowledgment process currently found in the Vital Records Act had not yet been passed by the General Assembly. However, after it became law, the Department adopted it for purposes of acknowledgments under the administrative paternity process. The Vital Records process requires that where a presumed father exists (i.e., a husband), a mother and an alleged father cannot complete an acknowledgment of paternity unless the presumed father signs the document denying his paternity of the child. When rule revisions were made, the provision allowing acknowledgment without a signed denial by the presumed father was not changed to comply with Vital Records requirements. The Department plans to add the necessary changes to the administrative rules pertaining to voluntary acknowledgment of paternity.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

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- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when the Notice of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

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- a) Part(s) Heading and Code Citation: Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
- 1) Rulemaking:
- A) Description: The rules will be amended to implement Public Act 92-506, effective January 1, 2002, which amended the Emergency Medical Services (EMS) Systems Act to change the requirements for certification of emergency medical dispatchers. Requirements for certification will be amended and new requirements for recertification will be added. Requirements for certification and recertification of emergency medical dispatch agencies will also be added.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Schedule of dates for hearings meetings, or other opportunities for public participation: These amendments were approved at the June 6, 2002 meeting of the State EMS Council.
- D) Date agency anticipates First Notice: July 2002
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: Ambulance services, whether privately or publicly operated.
- F) Information concerning this regulatory agenda shall be directed to:
- Peggy Snyder
Department of Public Health
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemaking or other pertinent information: None
- b) Part(s) Heading and Code Citation: Hospital Licensing Requirements (77 Ill. Ad. Code 250)
- 1) Rulemaking:
- A) Description: Section 250.320 (Admission and Supervision of Patients) will be admitted to clarify admitting privileges for podiatrists, including

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performance of the patient medical history and physical examination. Section 250.160 (Incorporated and Referenced Materials), Section 250.2470 (Structural), and Section 250.2620 (Codes and Standards) will be amended to update the editions of the codes and standards incorporated in the rules, including incorporating the 2000 edition of the National Fire Protection Association (NFPA) *Life Safety Code*. The rules will also be amended to require hospitals to comply with standards relating to domestic violence adopted the Joint Commission on Accreditation of Healthcare Organizations, which standards will be incorporated in the rules.

- B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- C) Scheduled meeting/hearing dates: These amendments were approved by the Hospital Licensing Board at its May 8, 2002 meeting.
- D) Date agency anticipates First Notice: July 2002
- E) Effect on small businesses, small municipalities, and not-for-profit corporations:
Hospitals
- F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Department of Public Health
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

- G) Related rulemakings and other pertinent information: None
- c) Part(s) Heading and Code Citation: Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)
- 1) Rulemaking:
 - A) Description: Terms related to medications will defined; clarifications will be made to the sections governing application for licensure and annual on-site review and complaint investigation procedures sections; references will be updated.
 - B) Statutory Authority: Assisted Living and Shared Housing Act [210 ILCS 9]

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- C) Scheduled meeting/hearing dates: These amendments will be reviewed by the Assisted Living and Shared Housing Advisory Board.
- D) Date agency anticipates First Notice: Fall 2002
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: It is anticipated that the proposed rules changes will have a minimum impact on assisted living facilities.
- F) Information concerning this regulatory agenda shall be directed to:
- Peggy Snyder
Department of Public Health
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemakings and other pertinent information: None
- d) Part(s) Heading and Code Citation: Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
- 1) Rulemaking:
- A) Description: The rules will be amended to add Subpart U: Alzheimer's Special Care Unit or Center Providing Care to Persons with Alzheimer's Disease or Other Dementia. The new subpart will apply to facilities and distinct parts (units) providing care for persons with Alzheimer's disease or other dementia through an Alzheimer's special care unit or center. The amendments will include admission criteria, assessment and care planning, activity-focused approach to programming, staffing, environment, quality assessment and improvement, and variances to enhance resident's quality of life.
- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled meeting/hearing dates: These amendments will be considered at the July 17, 2002, meeting of the Long-Term Care Facility Advisory Board in Chicago.
- D) Date agency anticipates First Notice: August 2002
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: It is anticipated that the proposed changes will impact facilities that provide care for persons with Alzheimer's disease or other dementia through an Alzheimer's special care unit or

DEPARTMENT OF PUBLIC HEALTH

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center.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Department of Public Health
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemaking and other pertinent information: None

e) Part(s) Heading and Code Citation: Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)

1) Rulemaking:

- A) Description: These rules will be amended to reflect changes in curricula for Emergency Medical Technicians and First Responders. Training in the use of automated external defibrillators (AEDs) is now included in the curricula, so separate AED training is no longer required.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: These amendments will be considered at the State EMS Council Meeting on September 19, 2002, in Chicago.
- D) Date agency anticipates First Notice: October 2002
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Ambulance services, whether privately or publicly operated.
- F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Department of Public Health
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

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G) Related rulemaking and other pertinent information: None

e) Part(s) Heading and Code Citation: Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450)

1) Rulemaking:

A) Description: The rules will be amended to reflect changes in the Illinois Clinical Laboratory and Blood Bank Act and the regulation of laboratories under the federal Clinical Laboratory Improvement Act.

B) Statutory Authority: Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]

C) Scheduled meeting/hearing dates: Review by a Department advisory board will be scheduled at a future date.

D) Date agency anticipates First Notice: Fall 2002

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Laboratories, whether privately or publicly operated.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Department of Public Health
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None

g) Part(s) Heading and Code Citation: Hospital Licensing Requirements (77 Ill. Adm. Code 250)

1) Rulemaking:

A) Description: Section 250.1830 (General Requirement for all Maternity Department) will be amended to change the requirement for maternal death reporting from within 90 days following the termination of a pregnancy to within one year following the termination of a pregnancy.

B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]

C) Scheduled meeting/hearing dates: These amendments will be reviewed and must be

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approved by the Hospital Licensing Board.

- D) Date agency anticipates First Notice: Since publication is dependent upon approval by the hospital Licensing Board, a publication date is unknown at this time.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Hospitals
- F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Department of Public Health
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

- G) Related rulemaking or other pertinent information: None
- h) Part(s) Heading and Code Citation: Swimming Facility Code (77 Ill. Adm. Code 820)
 - 1) Rulemaking:
 - A) Description: This rulemaking will implement an amendment to the Swimming Facility Act (210 ILCS 125), formerly known as the Swimming Pool and Bathing Beach Act, that requires the Department to license wading pools, water slides, lazy rivers and spas and to establish provisions to prevent bather entrapment/entanglement in suction grates of new and existing swimming facilities. The proposed rules address those issues and other items such as pool supervision, approved lifeguard organizations, electrical safety, and response to fecal accidents. Part 820 is currently titled the Swimming Pool and Bathing Beach Code, but will be revised to reflect the new title of the Act.
 - B) Statutory Authority: Swimming Facility Act [210 ILCS 125]
 - C) Schedule of dates for hearings, meetings, or other opportunities for public participation: The public will have an opportunity to comment during the 45 days following publication of these amendments in the *Illinois Register*.
 - D) Date agency anticipates First Notice: Fall 2002
 - E) Effect on small businesses, small municipalities, and not-for-profit corporations: The proposed rulemaking will require owners of existing

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swimming pools and spas to provide safety features to prevent bather entrapment and entanglement. Some facilities may already be adequately equipped, some may need to purchase a \$50 approved grate, and others may require more expensive plumbing changes to assure this protection.

F) Agency contact person for information:

Peggy Snyder
Department of Public Health
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-2043

G) Other pertinent information concerning this rulemaking: Nonei) Part(s) and Code Citation: Manufactured Home Community Code (77 Ill. Adm. Code 860)1) Rulemaking:

- A) Description: The rulemaking will address issues regarding fire hydrant testing, street lighting, separation of homes, and foundation systems for manufactured homes. The rulemaking will also adopt the most current edition of the National Electrical Code for new installations.
- B) Statutory Authority: Mobile Home Park Act [210 ILCS 115]
- C) Schedule of dates for hearings, meetings, or other opportunities for public participation: The public will have an opportunity to comment during the 45 days following publication of these amendments in the *Illinois Register*.
- D) Date agency anticipates First Notice: August 2002
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The proposed rulemaking may require an additional expense to the manufactured home community owner for the foundation system for the homes, but federal law requires the homes to be installed according to the manufacturer's instructions, which requires an adequate foundation system to support the home.
- F) Agency contact person for information:

DEPARTMENT OF PUBLIC HEALTH

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Peggy Snyder
Department of Public Health
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-2043

- G) Other Pertinent Information Concerning this Rulemaking: None
- j) Part(s) (Heading and Code Citation): Manufactured Home Installation Code (77 Ill. Adm. Code 870)
- 1) Rulemaking:
- A) Description: This rulemaking consolidates requirements for the tiedown of manufactured homes (previously Part 870) and requirements for the accreditation of manufactured home installation courses (previously Part 885). The rulemaking also includes new requirements for the installation of manufactured homes and the licensing of installers. The new Part will contain all requirements pertaining to manufactured home installation in one set of regulations.
- B) Statutory Authority:
Illinois Manufactured Home Installers Act [430 ILCS 120]
Manufactured Home Quality Assurance Act [430 ILCS 117]
Illinois Mobile Home Tiedown Act [210 ILCS 120]
- C) Schedule of dates for hearings, meetings, or other opportunities for public participation: The public will have an opportunity to comment during the 45 days following publication of these amendments in the *Illinois Register*.
- D) Date agency anticipates First Notice: August 2002
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: As required by federal law, this rulemaking requires manufactured home installation to be performed in accordance with the manufacturer's instructions. The rulemaking includes provisions to follow when the installation instructions are no longer available.
- F) Agency contact person for information:

DEPARTMENT OF PUBLIC HEALTH

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Peggy Snyder,
Department of Public Health
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-2043

G) Other pertinent information concerning this rulemaking: None.

k) Part(s) (Heading and Code Citation):

Adm. Illinois Health Care Cost Containment Council - General Provisions (77 Ill. Code 2500) - Repeal
Illinois Health Care Cost Containment Council - Data Collection (77 Ill. Adm. Code 2510)
Illinois Health Care Cost Containment Council - Reports (77 Ill. Adm. Code 2520)) - Repeal
Illinois Health Care Cost Containment Council - Hospital Price Information (77 Ill. Adm Code 2530)
Illinois Health Care Cost Containment Council - Penalties (77 Ill. Adm. Code 2540) - Repeal
Illinois Health Care Cost Containment Council - Miscellaneous Provisions (77 Ill. Adm. Code 2550) - Repeal

1) Rulemaking:

- A) Description: The rules will be amended to implement Public Act 92-597, effective July 1, 2002, which creates the Budget Implementation Act that makes changes in State programs that are necessary to implement the Governor's FY 2003 budget. P.A. 597 abolishes the Illinois Health Care Cost Containment Council and names the Illinois Department of Public Health as the successor agency.
- B) Statutory Authority: Illinois Health Finance Reform Act [20 ILCS 2215/2-1].
- C) Schedule of dates for hearings, meetings, or other opportunities for public participation: The public will have an opportunity to comment during the 45 days following publication of these amendments in the *Illinois Register*.
- D) Date agency anticipated First Notice: August 2002
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: Hospitals will now have to report this information to the Illinois Department of Public Health.

DEPARTMENT OF PUBLIC HEALTH

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F) Agency contact person for information:

Peggy Snyder
Department of Public Health
Division of Legal Services
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Springfield, Illinois 62761
(217)782-2043

G) Related rulemaking or other pertinent information: None

DEPARTMENT OF REVENUE

JULY 2001 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Income Tax, 86 Ill. Adm. Code 100
- 1) Rulemaking:
- A) Description: New rules will be added to Part 100 concerning the foreign tax credit against the income tax (IITA Section 601(b)(3)); the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209); the Dependent Care Assistance Credit (IITA Section 210); the Employee Child Care Tax Credit (IITA Section 210.5); the Affordable Housing Credit (IITA Section 214); the reallocation of items under IITA Section 404; pass-through of investment credits from partnerships and Subchapter S corporations to their partners and shareholders; the earned income credit (IITA Section 212); net operating loss carryovers for individuals and other carryovers, filing of refund claims, offsets of refunds against other liabilities, statutes of limitations, and interest computations.
- Part 100 will be amended by the addition of rules defining "investment company" within the meaning of 35 ILCS 5/1501(a)(8).
- Part 100 will be amended by adding rules and amending existing rules governing the apportionment of business income under 35 ILCS 5/304.
- Part 100 will be amended to update the provisions defining unitary business groups and computing the combined tax liability of unitary business groups.
- Part 100 will be amended to provide guidance for the carryover of losses by partnerships and Subchapter S corporations.
- Part 100 will be amended by adding rules providing guidance on the addition and subtraction modifications allowed in IITA Section 203, on the credit for residential property taxes paid in IITA Section 208, on the acceptance of substitute W-2s and on the issue of when a taxpayer is subject to tax in another state under IITA Section 303(f).
- Part 100 will be amended to clarify the rules implementing the "innocent spouse" relief enacted in Public Act 91-541.
- Part 100 will be amended to provide guidance for payment of estimated taxes during short taxable years, during years in which marital status changes, and for computation of penalties.
- Part 100 will be amended to clarify the documentation requirements for taxpayers claiming the training expense credit under Section 100.2150.

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Part 100 will be amended to clarify definitions of terms in IITA Section 1501(a).

Part 100 will be amended to clarify the standards for determining when a person has sufficient nexus with Illinois to be subject to taxes.

Part 100 will be amended to provide guidance on the imposition of the penalty for filing a frivolous return under IITA Section 1006.

Finally, the Department will continue the updating and correction of Part 100.

- B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.
- F) Agency contact person for information:
- Paul S. Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-7055
- G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Property Tax Code, 86 Ill. Adm. Code 110

1) Rulemaking:

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- A) Description: Part 110 will be amended to update rules as a result of Public Acts 90-323, 91-377, 91-393, 91-425, 91-732, 92-278, and 92-333.
- B) Statutory Authority: 35 ILCS 200/Arts. 6, 11, 14, 15, and 16
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing these rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect local assessing officials and owners of certain categories of water treatment facilities and exempt property.
- F) Agency contact person for information:
- Karen Alice Kloppe
Associate Counsel – Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-6996
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Real Estate Transfer Tax, 86 Ill. Adm. Code 120
- 1) Rulemaking:
- A) Description: Part 120 will be amended (1) to correct form references, (2) to delete language made obsolete and redundant by the adoption of rulemaking adding Section 120.5, (3) to clarify procedures for the purchase of revenue stamps by recorders of deeds and registrars of title from the Department, and (4) to provide additional policy interpretations on common audit problems for taxpayers in Sections 120.10 and 120.20.
- B) Statutory Authority: 35 ILCS 200/31-1 through 31-70
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

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- D) Date agency anticipates First Notice: We anticipate filing both rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect any person or business entity transferring title to real estate unless specifically exempted under Section 31-45 of the Property Tax Code.
- F) Agency contact person for information:
- Karen Alice Kloppe
Associate Counsel – Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-6996
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Retailers' Occupation Tax, 86 Ill. Adm. Code 130
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments, decisional law and Department policies. Some of these changes include:
1. Amendment of Section 130.1951, governing enterprise zones, to incorporate the provisions of SB 1760 (if enacted).
 2. Revision of Section 130.415 (transportation and delivery charges) to add examples and to clarify the requirement of a separate agreement between seller and purchaser, particularly in the case of Internet, mail order, telephone and television home shopping network orders.
 3. Revision of Sections 130.1301 and 130.1305 to clarify registration and reporting requirements for vendors at craft/antique malls.
 4. Revision of Section 130.335 (Pollution Control) to discuss recent case law.

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5. Amendment of Section 130.2080 to reflect the holding in Japan Air Lines Ltd. V. Zehnder (Nos. 96-L-5050 and 96-L-50539, First District Appellate Court).
 6. Amendment of Section 130.2165, "Veterinarians," to clarify the circumstances under which veterinarians incur either Retailers' Occupation Tax or Service Occupation Tax.
 7. Promulgation of regulation explaining the taxation of seminar materials.
- B) Statutory Authority: 35 ILCS 120
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations.
- F) Agency contact person for information:
- George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-6996
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Service Occupation Tax, 86 Ill. Adm. Code 140
- 1) Rulemaking:

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- A) Description: Amendments will be made as part of a general update to clarify application of the Service Occupation Tax and to reflect recent decisional law, statutory changes and Department policy.
- B) Statutory Authority: 35 ILCS 115
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.
- F) Agency contact person for information:
- George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-6996
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Use Tax, 86 Ill. Adm. Code 150
1. Rulemaking:
- A) Description: Amendments will be made to update the Use Tax regulations to reflect new statutory developments, decisional law and Department policies.
- B) Statutory Authority: 35 ILCS 105
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

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- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 150 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Use Tax.
- F) Agency contact person for information:
- George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-6996
- G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Service Use Tax, 86 Ill. Adm. Code 160

- 1) Rulemaking:
- A) Description: Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments, decisional law and Department policies.
- B) Statutory Authority: 35 ILCS 110
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 160 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Service Use Tax.
- F) Agency contact person for information:
- George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500

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Springfield, IL 62794
217/782-6996

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Cigarette Tax, 86 Ill. Adm. Code 440

1) Rulemaking:

- A) Description: Amendments will be made to the Cigarette Tax regulations to reflect new statutory developments and to add provisions regarding the procedures for revocation, suspension and denials of licenses. Specifically, regulations will be amended to include the new restrictions for stamping of cigarettes in connection with changes made by SB2017 (if enacted).
- B) Statutory Authority: 35 ILCS 130
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 440 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Cigarette Tax.
- F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-6996

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Cigarette Use Tax, 86 Ill. Adm. Code 450

1) Rulemaking:

- A) Description: Amendments will be made to the Cigarette Use Tax regulations to reflect new statutory developments and to add provisions

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regarding the procedures for revocation, suspension and denials of licenses. Specifically, regulations will be amended to include the new restrictions for stamping of cigarettes in connection with changes made by SB2017 (if enacted).

- B) Statutory Authority: 35 ILCS 135
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 450 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Cigarette Use Tax.
- F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-6996

- G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Telecommunications Excise Tax, 86 Ill. Adm. Code 495

1) Rulemaking:

- A) Description: Regulations will be updated to reflect new statutory provisions and decisional law. The regulations will also be amended to conform to the provisions of Public Act 92-474 (Mobile Telecommunications Sourcing Conformity Act). It is anticipated that this Part will be amended to include regulations implementing the provisions of the Simplified Municipal Telecommunications Tax Act (Public Acts 92-526 and 92-602).
- B) Statutory Authority: 35 ILCS 630

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- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 495 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Retailers of telecommunications and their telecommunications customers will be affected by these regulations.
- F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-6996

- G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Motor Fuel Tax, 86 Ill. Adm. Code 500

1) Rulemaking:

- A) Description: Amendments will be made to reflect new statutory developments and Department policies. Changes are also anticipated regarding information required on motor fuel licenses, and the procedures used when a licensee changes only its name. Rules governing the Department's treatment of pipeline trading under the Law are also anticipated. Clarification of the term, "air carrier affiliate," as used in Section 2a of the Law and in the Environmental Impact Fee Act, is also anticipated.
- B) Statutory Authority: 35 ILCS 505
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 500 over the next six months. We anticipate filing rulemakings amending Part 500 on a regular basis during the next six months.

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- E) Effect on small business, small municipalities or not for profit corporations:
Distributors, suppliers and receivers of motor fuel, as well as persons licensed under the International Fuel Tax Agreement.
- F) Agency contact person for information:
George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-6996
- G) Related rulemakings and other pertinent information: None
- l) Part(s) (Heading and Code Citation): Non-Home Rule Municipal Retailers' Occupation Tax, 86 Ill. Adm. Code 693
- 1) Rulemaking:
- A) Description: Regulations will be amended to reflect the provisions of SB 2037 and HB5375 (if enacted)(tax imposed in 1/4% increments up to 1/2 of 1%; authorize's tax to be expended for property tax relief; "public infrastructure," for purposes of referenda authorizing imposition of taxes by the City of DuQuoin that are approved in November, 2002, includes public schools).
- B) Statutory Authority: 20 ILCS 2505/2505-15
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing this rulemaking during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations:
Taxes may be imposed upon businesses by municipalities seeking sources of revenue for property tax relief (or, in the case of DuQuoin, for public schools).
- F) Agency contact person for information:

DEPARTMENT OF REVENUE

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Deputy General Counsel - Sales and Excise Tax
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Springfield, IL 62794
217/782-6996

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Non-Home Rule Municipal Service Occupation Tax, 86 Ill. Adm. Code 694

1) Rulemaking:

A) Description: Regulations will be amended to reflect the provisions of SB 2037 and HB5375 (if enacted)(tax imposed in 1/4% increments up to 1/2 of 1%; authorizes tax to be expended for property tax relief; "public infrastructure," for purposes of referenda authorizing imposition of taxes by the City of DuQuoin that are approved in November, 2002, includes public schools).

B) Statutory Authority: 20 ILCS 2505/2505-15

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing this rulemaking during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Taxes may be imposed upon businesses by municipalities seeking sources of revenue for property tax relief (or, in the case of DuQuoin, for public schools).

F) Agency contact person for information:

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n) Part(s) (Heading and Code Citation): Uniform Penalty and Interest Act, 86 Ill. Adm. Code 700

1) Rulemaking:

- A) Description: Regulations will be promulgated to implement recent changes anticipated to the Uniform Penalty and Interest Act by SB 2209.
- B) Statutory Authority: 35 ILCS 735
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing this rulemaking during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect taxpayers who are subject to penalties for late payment or nonpayment of admitted liabilities.
- F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-6996

o) Part(s) (Heading and Code Citation): Electronic Funds Transfer, 86 Ill. Adm. Code 750

1) Rulemaking:

- A) Description: Regulations will be promulgated to implement the provisions of Public Acts 92-492, 92-322, PA 92-526 and PA 92-393, each of which effects changes in the Department's electronic funds transfer ("EFT") program. The regulations will also be updated to reflect current policies and procedures.
- B) Statutory Authority: 20 ILCS 2505/2505-210

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- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: The Department anticipates filing these regulations within the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: This regulations will affect taxpayers remitting taxes by means of electronic funds transfer, either as voluntary or mandatory program participants.
- F) Agency contact person for information:
- George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-6996
- G) Related rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): Electronic Filing of Returns and Other Documents, 86 Ill. Adm. Code 760
- 1) Rulemaking:
- A) Description: Regulations will be promulgated to implement changes in the Department's electronic filing program required by the provisions of Public Act 92-393 and 92-526. The regulations will also generally be updated to reflect current procedures and nomenclature that has developed since these regulations were first promulgated.
- B) Statutory Authority: 20 ILCS 2505/2505-200
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing this rulemaking during the next six months of this year.

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- E) Effect on small business, small municipalities or not for profit corporations:
These regulations will affect taxpayers who file their returns electronically, either as mandatory or voluntary program participants.
- F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-6996

ILLINOIS ADMINISTRATIVE CODE

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