

2003

ILLINOIS

REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 27 Issue 32
August 8, 2003
Pages 13343 - 13668

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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JOINT COMMITTEE ON ADMINISTRATIVE RULES SCHEDULED

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10:30 A.M., August 12, 2003

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ISSUES INDEX I – 1

Editor’s Note 1: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedules for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

Issue 28 - July 11, 2003: Data through June 30, 2003 (2nd Quarter)
Was inadvertently missed and is being produced under a separate cover to be distributed with this issue. Sorry for any inconvenience this may have caused.

Issue 41 - October 10, 2003: Data through September 29, 2003 (3rd Quarter)

Issue 2 - January 9, 2004: Data through December 29, 2003 (Annual)

Issue 15 - April 00, 2004: Data through March 31, 2004 (1stQuarter)

The complete set of indexes are present at the following internet address and are updated weekly for your convinance.

http://www.cyberdriveillinois.com/departments/index/admin_indexes.html

Editor’s Note 2: Submit all rulemaking documentation to the following address:

Secretary of State
Department of Index
Administrative Code Division
111 East Monroe Street
Springfield, Illinois 62756

The Code Division will be conducting a monthly workshop. This is the opportunity for the Administrative Code Division to ask the question “How can we help you?” Each month will consist of different discussion topics. State agencies will be able to select one or more workshops to attend. Please return the included registration form at least two weeks prior to the scheduled workshop. Topics will come from the Secretary of State’s Style Manual and 1 Ill. Adm. Code

100. All workshops will be scheduled from 8:30am to 12:00pm on selected dates. Unless otherwise announced workshops will be held at the Illinois State Library, 300 S. Second St., Rm. 403-404, Springfield, IL. 62701. If you have any questions or concerns please contact our office (217)782-6537.

To: [All State Agencies in the **Chicago Area**](#)
From: [Secretary of State](#)
[Department of Index](#)
[Administrative Code Division](#)

[Our department will be conducting a bi-monthly workshop. This is the opportunity for the Administrative Code Division to ask the Chicago area “How can I help you?” Each session will consist of different discussion topics. Topics will range from – Trouble shooting with formatting, Secretary Style Manual and 1 Illinois Administrative Code 100.](#)

Workshop Schedule and Signup Sheet on following page:

**Secretary of State
Department of Index
Administrative Code Division**
SPRINGFIELD AREA - Workshop Schedule and Signup Sheet

Springfield – August 20, 2003

Number
Attending

Topics:

- Emergency Rulemaking
 - Regulatory Agenda
 - 1st Notice - Proposed
 - 2nd Notice – JCAR Approval
 - Final Notice - Adopted

Agency Name: _____

Contact Name: _____

Address: _____

City/Zip: _____

Phone Number: _____

Please return this registration sheets to: Springfield Workshops

Secretary of State
Department of Index
Administrative Code Division
Attn: Brenna Boston
111 E. Monroe
Springfield, IL 62756
Fax Number: (217) 524-0308

Illinois State Library
300 S. Second St.
Rm. 403-404
Springfield, IL 62701
8:30am – 12:00pm

If you have any question please call (217) 782-6537.

**Secretary of State
Department of Index
Administrative Code Division**
CHICAGO AREA - Workshop Schedule and Signup Sheet

CHICAGO – September 3, 2003

Number
Attending

Topics

- Emergency Rulemaking
- Proposed Rulemaking
 - Regulatory Agenda
 - 1st Notice - Proposed
 - 2nd Notice – JCAR Approval
- Final Notice - Adopted

Agency Name: _____
Contact Name: _____
Address: _____
City/Zip: _____
Phone Number: _____

Please return this registration sheets to:
Secretary of State
Department of Index
Administrative Code Division
Attn: Brenna Boston
111 E. Monroe
Springfield, IL 62756
Fax Number: (217) 524-0308

Chicago Workshops
Thompson Center Rm 9040
100 West Randolph
Chicago, IL

If you have any question please call (217) 782-6537.

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'

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

2003 REGISTER SCHEDULE VOLUME # 27

<u>Issue#</u>	<u>Copy Due by 4:30 pm</u>	<u>Publication Date</u>	<u>Issue#</u>	<u>Copy Due by 4:30 pm</u>	<u>Publication Date</u>
Issue 1	December 23, 2002	January 03, 2003	Issue 38	September 08, 2003	September 19, 2003
Issue 2	December 31, 2002	January 10, 2003	Issue 39	September 15, 2003	September 26, 2003
Issue 3	January 06, 2003	January 17, 2003	Issue 40	September 22, 2003	October 03, 2003
Issue 4	January 13, 2003	January 24, 2003	Issue 41	September 29, 2003	October 10, 2003
Issue 5	January 21, 2003	January 31, 2003	Issue 42	October 06, 2003	October 17, 2003
Issue 6	January 27, 2003	February 07, 2003	Issue 43	October 14, 2003	October 24, 2003
Issue 7	February 03, 2003	February 14, 2003	Issue 44	October 20, 2003	October 31, 2003
Issue 8	February 10, 2003	February 21, 2003	Issue 45	October 27, 2003	November 07, 2003
Issue 9	February 18, 2003	February 28, 2003	Issue 46	November 03, 2003	November 14, 2003
Issue 10	February 24, 2003	March 07, 2003	Issue 47	November 10, 2003	November 21, 2003
Issue 11	March 03, 2003	March 14, 2003	Issue 48	November 17, 2003	November 28, 2003
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Issue 15	March 31, 2003	April 11, 2003	Issue 52	December 15, 2003	December 26, 2003
Issue 16	April 07, 2003	April 18, 2003			
Issue 17	April 14, 2003	April 25, 2003			
Issue 18	April 21, 2003	May 02, 2003			
Issue 19	April 28, 2003	May 09, 2003			
Issue 20	May 05, 2003	May 16, 2003			
Issue 21	May 12, 2003	May 23, 2003			
Issue 22	May 19, 2003	May 30, 2003			
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Issue 24	June 02, 2003	June 13, 2003			
Issue 25	June 09, 2003	June 20, 2003			
Issue 26	June 16, 2003	June 27, 2003			
Issue 27	June 23, 2003	July 07, 2003			
Issue 28	June 30, 2003	July 11, 2003			
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Issue 31	July 21, 2003	August 01, 2003			
Issue 32	July 28, 2003	August 08, 2003			
Issue 33	August 04, 2003	August 15, 2003			
Issue 34	August 11, 2003	August 22, 2003			
Issue 35	August 18, 2003	August 29, 2003			
Issue 36	August 25, 2003	September 05, 2003			
Issue 37	September 02, 2003	September 12, 2003			

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Wholesale Drug Distribution Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1510
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
1510.20	Amendment
1510.60	Amendment
1510.65	New Section
- 4) Statutory Authority: Wholesale Drug Distribution Licensing Act [225 ILCS 120].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements P.A. 92-586, effective June 26, 2002, that changed fees from statute to administrative rule.
- 6) Will these proposed amendments replace emergency amendments currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments within 45 days after this issue of the *Illinois Register* to:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax #: 217/782-7645
- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing licensed professional counselors and licensed clinical professional counselors.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Skills as a professional counselor or clinical professional counselor are necessary for licensure.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

The full text of the Proposed Amendments is the same as the text that appears in the Emergency Amendments published in this issue of the Illinois Register on page 13627.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Numbers: Proposed Action:
 250.2442 New Section
 250.2443 New Section

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

- 5) A complete description of the subjects and issues:

The Hospital Licensing Requirements are being amended to implement Public Act 92-0563 (effective June 24, 2002) and Public Act 92-0803 (effective August 16, 2002). Public Act 92-0563 amended the Hospital Licensing Act to remove the specific fee amounts for architectural review and to authorize the Department to establish fees by rule. Public Act 92-0803 amended the Civil Administrative Code of Illinois to require the Director of Public Health to appoint an advisory committee to advise the Department and to conduct informal dispute resolution concerning the application of building codes for new and existing construction and related Department rules and standards under the Hospital Licensing Act. It also amended the Hospital Licensing Act and the Illinois Building Commission Act to establish a dispute resolution procedure for disputes involving approval or disapproval of drawings and specifications.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain any incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
250.160	Amendment	27 Ill. Reg. 2848

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

250.410	Amendment	27 Ill. Reg. 2848
250.1075	Amendment	27 Ill. Reg. 2848
250.1830	Amendment	27 Ill. Reg. 2848
250.2420	Amendment	27 Ill. Reg. 2848

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate under the State Mandates Act [30 ILCS 805].

11) Time, place, and manner in which interested persons may comment on this rulemaking:

Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register to:

Peggy Snyder
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Peggy Snyder at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate its status as such, in writing, in its comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, small municipalities and not-for-profit corporations affected: Hospitals

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: January 2003

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

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250.130	Administration by the Department
250.140	Hearings
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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

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250.1720	Garbage, Refuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
250.1740	Laundry Service
250.1750	Soiled Linen
250.1760	Clean Linen

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SUBPART O: MATERNITY AND NEONATAL SERVICE

Section

- 250.1810 Applicability of other Parts of these regulations
- 250.1820 Maternity and Neonatal Service (Perinatal Service)
- 250.1830 General Requirements for all Maternity Departments
- 250.1840 Discharge of Newborn Infants from Hospital
- 250.1850 Rooming-In Care of Mother and Infant
- 250.1860 Special Programs
- 250.1870 Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS -- HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL.

Section

- 250.1910 Maintenance
- 250.1920 Emergency electric service
- 250.1930 Water Supply
- 250.1940 Ventilation, Heating, Air Conditioning, and Air Changing Systems
- 250.1950 Grounds and Buildings Shall be Maintained
- 250.1960 Sewage, Garbage, Solid Waste Handling and Disposal
- 250.1970 Plumbing
- 250.1980 Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

Section

- 250.2010 Definition
- 250.2020 Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section

- 250.2110 Service Requirements
- 250.2120 Personnel Required
- 250.2130 Facilities for Services
- 250.2140 Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

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Section

250.2210	Applicability of other Parts of these Regulations
250.2220	Establishment of a Psychiatric Service
250.2230	The Medical Staff
250.2240	Nursing Service
250.2250	Allied Health Personnel
250.2260	Staff and Personnel Development and Training
250.2270	Admission, Transfer and Discharge Procedures
250.2280	Care of Patients
250.2290	Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
250.2300	Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section

250.2410	Applicability of these Standards
250.2420	Submission of Plans for New Construction, Alterations or Additions to Existing Facility
250.2430	Preparation of Drawings and Specifications -- Submission Requirements
250.2440	General Hospital Standards
250.2442	Fees
250.2443	Advisory Committee
250.2450	Details
250.2460	Finishes
250.2470	Structural
250.2480	Mechanical
250.2490	Plumbing and Other Piping Systems
250.2500	Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section

250.2610	Applicability of these Standards
250.2620	Codes and Standards
250.2630	Existing General Hospital Standards
250.2640	Details
250.2650	Finishes
250.2660	Mechanical
250.2670	Plumbing and Other Piping Systems

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250.2680 Electrical Requirements

SUBPART V: SPECIAL CARE AND SPECIAL SERVICE UNITS

Section

250.2710 Special Care and/or Special Service Units

250.2720 Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section

250.2810 Applicability of Other Parts of These Requirements

250.2820 Establishment of an Alcoholism and Intoxication Treatment Service

250.2830 Classification and Definitions of Service and Programs

250.2840 General Requirements for all Hospital Alcoholism Program Classifications

250.2850 The Medical and Professional Staff

250.2860 Medical Records

250.2870 Referral

250.2880 Client Legal and Human Rights

250.ILLUSTRATION A Seismic Zone Map

250.TABLE A Measurements Essential for Level I, II, III Hospitals

250.TABLE B Sound Transmission Limitations in General Hospitals

250.TABLE C Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals

250.TABLE D General Pressure Relationships and Ventilation of Certain Hospital Areas

250.TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air

250.TABLE F General Pressure Relationships and Ventilation of Certain Hospital Areas

250.TABLE G Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6,

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1978; amended at 3 Ill. Reg. 17, p.88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendments at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 3234, effective February 15, 1996; emergency expired on May 31, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3341, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. _____, effective _____.

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section 250.2442 Fees

- a) Before commencing construction of new facilities or specified types of alteration or additions to an existing hospital involving major construction with an estimated cost greater than \$100,000, architectural plans and specifications therefor shall be submitted to the Department for review and approval. A hospital may submit architectural drawings and specifications for other construction projects for Department review according to subsection (b) that shall not be subject to fees

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under subsection (d). Review of drawings and specifications shall be conducted by an employee of the Department meeting the qualifications established by the Department of Central Management Services class specifications for such an individual=s position or by a person contracting with the Department who meets those class specifications. Final approval of the plans and specifications for compliance with design and construction standards shall be obtained from the Department before the alteration, addition, or new construction is begun. (Section 8(a) of the Act) For the purposes of this Section, A major construction@ means changes that affect the structural integrity of the building, that change functional operations, that affect fire and life safety, and that add beds or facilities over those for which the hospital is licensed.

- b) The Department shall inform an applicant in writing within 10 working days after receiving drawings and specifications and the required fee, if any, from the applicant whether the applicant=s submission is complete or incomplete. Failure to provide the applicant with this notice within 10 working days shall result in the submission being deemed complete for purposes of initiating the 60-day review period under this Section. If the submission is incomplete, the Department shall inform the applicant of the deficiencies with the submission in writing. If the submission is complete and the required fee, if any, has been paid, the Department shall approve or disapprove drawings and specifications submitted to the Department no later than 60 days following receipt by the Department. The drawings and specifications shall be of sufficient detail to enable the Department to render a determination of compliance with design and construction standards under the Act. If the Department finds that the drawings are not of sufficient detail for it to render a determination of compliance, the plans shall be determined to be incomplete and shall not be considered for purposes of initiating the 60 day review period. If a submission of drawings and specifications is incomplete, the applicant may submit additional information. The 60 day review period shall not commence until the Department determines that a submission of drawings and specifications is complete or the submission is deemed complete. If the Department has not approved or disapproved the drawings and specifications within 60 days, the construction, major alteration, or addition shall be deemed approved. If the drawings and specifications are disapproved, the Department shall state in writing, with specificity, the reasons for the disapproval. The entity submitting the drawings and specifications may submit additional information in response to the written comments from the Department or request a reconsideration of the disapproval. A final decision of approval or disapproval shall be made within 45 days after the receipt of the additional information or reconsideration request. If denied, the Department shall state the specific

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reasons for the denial. The applicant may elect to seek informal dispute resolution through the Department's Advisory Committee (see Section 250.2443). If the issue is not resolved, the applicant may elect to seek dispute resolution pursuant to Section 25 of the Illinois Building Commission Act, [20 ILCS 3918/28], which the Department must participate in.(Section 8(b) of the Act)

- c) The Department shall provide written approval for occupancy pursuant to Section 8(g) of the Act and shall not issue a violation to a facility as a result of a licensure or complaint survey based upon the facility's physical structure if:
- 1) The Department reviewed and approved or deemed approved the drawings and specifications for compliance with design and construction standards;
 - 2) The construction, major alteration, or addition was built as submitted;
 - 3) The Act or this Part has not been amended since the original approval; and
 - 4) The conditions at the facility indicate that there is a reasonable degree of safety provided for the patients. (Section 8(c) of the Act)
- d) The Department shall charge the following fees in connection with its review conducted before June 30, 2004 under this Section:
- 1) If the estimated dollar value of the project is under \$99,999.99, no fee is required.
 - 2) If the estimated dollar value of the project is between \$100,000.00 and \$499,999.99, no fee is required.
 - 3) If the estimated dollar value of the project is between \$500,000.00 and \$999,999.99 the fee shall be the greater of \$6,000 or 0.96% of that value.
 - 4) If the estimated dollar value of the project is between \$1,000,000.00 and \$4,999,999.99 the fee shall be the greater of \$9,600.00 or 0.22% of that value.
 - 5) If the estimated dollar value of the project is \$5,000,000.00 or more, the fee shall be the greater of \$11,000.00 or 0.11% of that value, but shall not

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exceed \$40,000.00.

- 6) The fees provided in this subsection shall not apply to major construction projects involving facility changes that are required by Department rule amendments or to projects deemed by the Department to be related to homeland security. (Section 8(d) of the Act)
- e) The fees provided in this Section shall also not apply to major construction projects if 51% or more of the estimated cost of the project is attributed to capital equipment. For major construction projects where 51% or more of the estimated cost of the project is attributed to capital equipment, the Department shall have the cost of the capital equipment in the project reduced by 20% in the fee calculation line for capital equipment. (Section 8(d) of the Act.
- f) Disproportionate share hospitals and rural hospitals shall only pay one-half of the fees required in this Section. For the purposes of this subsection, Adisproportionate share hospitals@ means a hospital described in items (1) through (5) of subsection (b) of Section 5-5.02 of the Illinois Public Aid Code. ARural hospital@ means a hospital that is located outside a metropolitan statistical area or located 15 miles or less from a county that is outside a metropolitan statistical area and is licensed to perform medical/surgical or obstetrical services and has a combined total bed capacity of 75 or fewer beds in these 2 service categories as of July 14, 1993, as determined by the Department. (Section 8(d) of the Act)
- g) The Department shall not commence the facility plan review process under this Section until the applicable fee has been paid. (Section 8(d) of the Act)
- h) All fees received by the Department under this Section shall be deposited in to the Health Facility Plan Review Fund, and shall be used only to cover the direct and reasonable costs relating to the Department=s review of hospital projects under this Section. (Section 8(e) of the Act)

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 250.2443 Advisory Committee

- a) The Director shall appoint an advisory committee to advise the Department and to conduct informal dispute resolution concerning the application of building codes for new and existing construction and related Department rules and standards under the Act, including without limitation rules and standards for

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design and construction, engineering and maintenance of the physical plant, site, equipment, and systems (heating, cooling, electrical, ventilation, plumbing, water, sewer, and solid waste disposal), and fire and safety. ([Section 2310-560\(b\) of the Department of Public Health Powers and Duties Law of the Civil Administration Code of Illinois](#))

- b) *The advisory committee shall be composed of all of the following members:*
- 1) *The chairperson or an elected representative from the Hospital Licensing Board under the Act;*
 - 2) *Two health care architects with a minimum of 10 years of experience in institutional design and building code analysis;*
 - 3) *Two engineering professionals (one mechanical and one electrical) with a minimum of 10 years of experience in institutional design and building code analysis;*
 - 4) *One commercial interior design professional with a minimum of 10 years of experience in institutional design and building code analysis;*
 - 5) *Two representatives from provider associations; and*
 - 6) *The Director or his/her designee, who shall serve as the committee moderator. ([Section 2310-560\(b\) of the Department of Public Health Powers and Duties Law of the Civil Administration Code of Illinois](#))*
- c) *Appointments shall be made with the concurrence of the Hospital Licensing Board. ([Section 2310-560\(b\) of the Department of Public Health Powers and Duties Law of the Civil Administration Code of Illinois](#))*
- d) [Appointments shall be made for a three year term.](#)
- e) *The committee shall submit recommendations concerning the application of building codes and related Department rules and standards to the Hospital Licensing Board for review and comment prior to submission to the Department. The committee shall submit the recommendations concerning informal dispute resolution to the Director. The Department shall provide per diem and travel expenses to the committee members based on the rules of the Department of Central Management Services in 80 Ill. Adm. Code 2800 (Travel). Payment shall be made through the Health Facility Plan Review Fund. ([Section 2310-560\(b\) of](#)*

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[the Department of Public Health Powers and Duties Law of the Civil Administration Code of Illinois](#))

- f) [The Department shall review the construction requirements contained in this Part every three years and shall update the requirements as necessary, considering the recommendations of the advisory committee.](#)

(Source: Added at 27 Ill. Reg. _____, effective _____)

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1) The Heading of the Part: Uniform System of Accounts for Telecommunications Carriers

2) Code Citation: 83 Ill. Adm. Code 710

3) Section Numbers: Adopted Action:

710.1	Amendment
710.11	Amendment
710.13	Amendment
710.16	Amendment
710.17	Amendment
710.19	Amendment
710.22	Amendment
710.23	Amendment
710.25	Repealed
710.27	Amendment
710.100	Repealed
710.105	Repealed
710.110	Repealed
710.115	Repealed
710.120	Repealed
710.125	Repealed
710.130	Repealed
710.135	Repealed
710.140	Repealed
710.145	Repealed
710.150	Repealed
710.155	Repealed
710.160	Repealed
710.165	Repealed
710.170	Repealed
710.175	Repealed
710.180	Repealed
710.185	Repealed
710.190	Repealed
710.200	Repealed
710.205	Repealed
710.210	Repealed
710.215	Repealed
710.220	Repealed

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710.225	Repealed
710.230	Repealed
710.235	Repealed
710.240	Repealed
710.1120	New Section
710.1160	Repealed
710.1170	New Section
710.1171	New Section
710.1180	Repealed
710.1181	Repealed
710.1190	Repealed
710.1191	Repealed
710.1200	Repealed
710.1201	Repealed
710.1401	Repealed
710.1410	New Section
710.1438	Repealed
710.2000	Amendment
710.2002	Amendment
710.2003	New Section
710.2231	Repealed
710.2232	Amendment
710.2690	Amendment
710.4000	New Section
710.4010	Repealed
710.4020	Repealed
710.4100	Amendment
710.4110	Amendment
710.4350	Amendment
710.4999	Amendment
710.5003	New Section
710.5082	Amendment
710.5083	Amendment
710.5200	New Section
710.5999	Repealed
710.6540	New Section
710.6620	New Section
710.6720	New Section
710.7250	Amendment
710.7400	New Section

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- 4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].
- 5) Effective Date of Amendments: August 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: A copy of the adopted amendments, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:

08/02/2002, at 26 Ill. Reg. 11653

Section 710.2003: Change "3003" to "2003"; change "reports" to "report".

Table of Contents: Delete "710.101 Structure of the balance sheet accounts" and delete the related text for the Section in the body of the rules.

Table of Contents: Add "710.1120 Account 1120 Cash and equivalents".

Table of Contents: Delete "710.2005 Account 2005 Telecommunications plant adjustment" and delete related text for the Section in the body of the rules.

Table of Contents: Delete

<u>710.3000</u>	<u>Instructions for balance sheet accounts—Depreciation and amortization</u>
<u>710.3100</u>	<u>Account 3100 Accumulated depreciation</u>
<u>710.3200</u>	<u>Account 3200 Accumulated depreciation-held for future telecommunications use</u>
<u>710.3410</u>	<u>Account 3410 Accumulated amortization-capital leases</u>
<u>710.3420</u>	<u>Account 3420 Accumulated amortization-leasehold improvements</u>

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<u>710.3500</u>	<u>Account 3500 Accumulated amortization-intangibles</u>
<u>710.3600</u>	<u>Account 3600 Accumulated amortization-other</u>
<u>710.3999</u>	<u>Instructions for balance sheet accounts-liabilities and stockholders' equity"</u>

and delete related text for these Sections in the body of the rules.

Table of Contents: Sections 710.4010 and 710.4020: Add "(Repealed)" at the end of each line.

Table of Contents: Delete

<u>"710.4030</u>	<u>Account 4030 Advanced billing and payments</u>
<u>710.4040</u>	<u>Account 4040 Customer's deposits"</u>

and delete related text for these Section in the body of the rules.

Table of Contents: Delete "710.4200 Account 4200 Long term debt and funded debt" and the related text of the Section in the body of the rules..

Table of Contents: Delete

<u>"710.5001</u>	<u>Account 5001 Basic area revenue</u>
<u>710.5002</u>	<u>Account 5002 Optional extended area revenue"</u>

and delete the related text for these Sections in the body of the rules.

Table of Contents: Delete "710.5081 Account 5081 End user revenue" and delete the related text for this Section in the body of the rules.

Table of Contents: Delete "710.5084 Account 5084 State access revenue" and delete the related text for this Section in the body of the rules.

Table of Contents: Delete "710.5230 Account 5230 Directory revenue" and delete the related text for this Section in the body of the rules.

Table of Contents: Section 710.5999: Add "(Repealed)" at the end of line.

Table of Contents: Delete

<u>"710.6124</u>	<u>Account 6124 General purpose computers expense</u>
<u>710.6540</u>	<u>Account 6540 Access expense</u>

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<u>710.6560</u>	<u>Account 6560 Depreciation and amortization expenses</u>
<u>710.6561</u>	<u>Account 6561 Depreciation expense-telecommunications plant in service</u>
<u>710.6562</u>	<u>Account 6562 Depreciation expense-property held for future telecommunications</u>
<u>710.6563</u>	<u>Account 6563 Amortization expense-tangible</u>
<u>710.6564</u>	<u>Account 6564 Amortization expense-intangible</u>
<u>710.6565</u>	<u>Account 6565 Amortization expense-other"</u>

and delete the related text for these Sections in the body of the rules.

Table of Contents: Delete

<u>"710.6621</u>	<u>Account 6621 Call completion services</u>
<u>710.6622</u>	<u>Account 6622 Number services</u>
<u>710.6623</u>	<u>Account 6623 Customer services</u>
<u>710.6710</u>	<u>Account 6710 Executive and planning</u>
<u>710.6711</u>	<u>Account 6711 Executive</u>
<u>710.6712</u>	<u>Account 6712 Planning"</u>

and delete related text for these Sections in the body of the rules.

Table of Contents: Delete

<u>"710.6721</u>	<u>Account 6721 Accounting and finance</u>
<u>710.6722</u>	<u>Account 6722 External relations</u>
<u>710.6723</u>	<u>Account 6723 Human resources</u>
<u>710.6724</u>	<u>Account 6724 Information management</u>
<u>710.6725</u>	<u>Account 6725 Legal</u>
<u>710.6726</u>	<u>Account 6726 Procurement</u>
<u>710.6727</u>	<u>Account 6727 Research and development</u>
<u>710.6728</u>	<u>Account 6728 Other general and administrative"</u>

and delete the related text for these Sections in the body of the rules.

Section 710.1: Replace "amended by FCC 01-305, and FCC 02-68, and 02-309" and replace with "of January 1, 2003".

Section 710.13: Delete

"ce) In Section 32.13(e), delete "Where the use of subsidiary records is considered necessary in order to secure the information required in reports to any state

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commission,” and substitute “For the subsidiary records required for the plant accounts (see See Accounts 2001 through 2690).”

Replace with

"c) Delete Section 32.13(e) in its entirety and replace with the following language:

~~e) The company shall incorporate the following controls into its accounting system with respect to the maintenance of subsidiary records in lieu of the maintenance of accounts for various account categories:~~

1) The summation of the balances of all subsidiary records of an account shall equal the total balance of the account as reflected on the company's financial statements.

2) The company shall document the accounting procedures related to subsidiary records.

3) The subsidiary records shall be maintained at an adequate level of detail to satisfy the company's reporting requirements under Section 5-109 of the Public Utilities Act [220 ILCS 5/5-109]."

~~e) In Section 32.13(e), delete “Where the use of subsidiary records is considered necessary in order to secure the information required in reports to any state commission,” and substitute “For the subsidiary records required for the plant accounts (See Accounts 2001 through 2690).”~~

Section 710.1120: Add this Section.

Sections 710.1170, 710.1171, 710.1410: Delete originally proposed language and replace with adopted language.

Section 710.2000: Delete

"a) In Section 32.2000(b)(2)(iii), delete “or Account 3410, Accumulated amortization-- capitalized leases and” and add “3400, Accumulated amortization--tangible, 3410, Accumulated amortization--capitalized leases, 3420, Accumulated amortization--leasehold improvements, 3500, Accumulated amortization--intangibles, and 3600, Accumulated amortization--other”.

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- b) In Section 32.2000(c)(2)(xiii), delete “6720, General and administrative” and add “6711, Executive”.
- c) Section 32.2000(d)(2)
- 1) In Section 32.2000(d)(2)(i), in the first sentence, delete “a representative list of which shall be prescribed by this Commission.”
- 2) In Section 32.2000(d)(2)(i), delete the second sentence and replace with “Each company shall maintain a written property units listing for use in accounting for additions and retirements of telecommunications plant and apply the listing consistently.”
- d) Delete subsection 32.2000(e)(5) in its entirety.
- e) In Section 32.2000(f)(2)(i), delete the last two sentences.
- f) In Section 32.2000(f)(2)(ii), delete the subsection in its entirety.”

Replace with:

- "a) Section 32.2000(d)(2)
- 1) In Section 32.2000(d)(2)(i), in the first sentence, delete “a representative list of which shall be prescribed by this Commission.”
- 2) n Section 32.2000(d)(2)(i), delete the second sentence and re-place with “Each company shall maintain a written property units listing for use in accounting for additions and retirements of tele-communications plant and apply the listing consistently.”
- b) Delete subsection 32.2000(e)(5) in its entirety.
- c) In Section 32.2000(f)(2)(i), delete the last two sentences.
- d) In Section 32.2000(f)(2)(ii), delete the subsection in its entirety.”

Relabel remaining subsections in Section 710.2000 accordingly.

Section 710.2000: Delete

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"j) In Section 32.2000(g)(5), delete "Account 6560, Depreciation and amortization expense" and replace with "Account 6561, Depreciation expense--telecommunications plant in service, or Account 6562, Depreciation expense--property held for future telecommunications use"."

Section 710.2232: Delete Section and replace with adopted language.

Section 710.2690: Delete

"a) In Section 32.2690(c), delete "6560, Depreciation and amortization ex-pense" and "6560" and substitute "6564, Amortization expense--intangible" and "6564", respectively."

Delete "b)".

Delete

"c) In Section 32.2690(h), delete "6720, General & administrative" and substitute "6728, Other general & administrative"."

Section 710.4000: Delete originally proposed language and replace with adopted language.

Sections 710.4010 and 710.4020: Add "(Repealed)" at the end of each heading and delete the originally proposed amending text.

Sections 710.4100 and 710.4110: Add

" Section 710.4100 Net current deferred operating income taxes

In Section 32.4100(e), delete "part 43" and replace with "Section 5-109" and delete "this Commission's Rules and Regulations" and replace with "the Public Utilities Act [220 ILCS 5/5-109]".

~~In Section 32.4100(e), delete the second sentence.~~

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

Section 710.4110 Account 4110 Net current deferred nonoperating income taxes

In Section 32.4110(h), delete "part 43" and replace with "Section 5-109" and delete "this Commission's Rules and Regulations" and replace with "the Public

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Utilities Act [220 ILCS 5/5-109]".

In Section 32.4110(h), delete the second sentence.

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

Section 710.4200: Delete originally proposed Section in its entirety.

Section 710.4350: Add

"Section 710.4350 Account 4350 Net noncurrent deferred nonoperating income taxes

In Section 32.4350(h), delete "part 43" and replace with "Section 5-109" and delete "this Commission's Rules and Regulations" and replace with "the Public Utilities Act [220 ILCS 5/5-109]".

In Section 32.4350(h), delete the second sentence.

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

Section 710.4999: Delete

"e) In Section 32.4999(n), add the following to columns "Account title" and "Class A account", respectively:

"1) State access revenue.....5084"; and

2) "Directory revenue....5230".

f) In Section 32.4999(n), add "State access revenue.....5084" to columns "Account title" and "Class B account", respectively."

Section 710.5200: Replace

"In Section 32.5200(a)(1), delete the subsection in its entirety and renumber the remainder of the subsection accordingly."

with

"In Section 32.5200(a)(1), add the following sentence: Subsidiary record categories shall be maintained in order that the company may separately report the

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amounts contained herein that relate to directory revenues."

Section 710.5999: Add "(Repealed)" at end of heading. Delete originally proposed amending material.

Section 710.6540: Replace originally proposed language with

"In Section 32.6540(b), delete "part 43" and replace with "Section 5-109" and delete "this Commission's Rules and Regulations" and replace with "the Public Utilities Act [220 ILCS 5/5-109]"."

Section 710.6720: Replace

"In Section 32.6720, delete subsections (a) through (j) in their entirety and substitute the following:

This account number shall be used by Class A telephone companies to summarize for reporting purposes the contents of Accounts 6721 through 6728. Class B telephone companies shall use this account for expenses of the type and character required of Class A companies in Accounts 6721 through 6728."

with

"In Section 32.6270, add the following sentence:

Subsidiary record categories shall be maintained in order that the company may separately report the amounts contained herein that relate to:

- a) Executive and planning;
- b) Executive;
- c) Planning;
- d) Accounting and finance;
- e) External relations;
- f) Human resources;
- g) Information management;

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- h) Legal;
- i) Procurement;
- j) Research and development; and
- k) Other general and administrative."

Section 710.7250: Add

"Section 710.7250 Account 7250 Provision for deferred operating income taxes - net

In Section 32.7250(b), delete "part 43" and replace with "Section 5-109" and delete "this Commission's Rules and Regulations" and replace with "the Public Utilities Act [220 ILCS 5/5-109]".

In Section 32.7250(b), delete the second sentence.

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

Section 710.7400: Replace "In Section 32.7400(j), delete the second sentence." with

"In Section 32.7400(j), delete "part 43" and replace with "Section 5-109" and delete "this Commission's Rules and Regulations" and replace with "the Public Utilities Act [220 ILCS 5/5-109]".

- 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 amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments?

The Commission has adopted 83 Ill. Adm. Code 710, "Uniform System of Accounts for Telecommunications Carriers," as its system of accounts for telecommunications carriers under its jurisdiction. Part 710 incorporates by reference the system of accounts of the Federal Communications Commission ("FCC"), 47 CFR 32, with certain specified exceptions. The previous Part 710 adopted the 1990 version of 47 CFR Part 32. The purpose of amending Part 710 is to adopt the version of Part 32 as updated by the FCC,

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with certain exceptions (deviations from Part 32) proposed.

Among the proposed revisions are the transfer from the Chief Accountant to the Commission of the authority to approve certain transactions, the deletion of the retirement accounts, the retention of certain accounts eliminated by the FCC, removing a reporting requirement concerning telephone plant under construction, the correction of errors in the FCC's system of accounts, and some ministerial revisions.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217)785-3922

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 710

UNIFORM SYSTEM OF ACCOUNTS FOR TELECOMMUNICATIONS CARRIERS

Section

710.1	Adoption of 47 CFR 32 by Reference
710.3	Authority
710.4	Communications Act
710.11	Classification of companies
710.13	Accounts-General
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710.16	Changes in accounting standards
710.17	Interpretation of accounts
710.18	Waivers
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710.22	Comprehensive interperiod tax allocation
710.23	Nonregulated activities
710.25	Unusual items and contingent liabilities (Repealed)
710.27	Transactions with affiliates
710.100	List of retirement units (Repealed)
710.105	Retirement units for use in conjunction with Account 2112 "Motor vehicles" (Repealed)
710.110	Retirement units for use in conjunction with Account 2113 "Aircraft" (Repealed)
710.115	Retirement units for use in conjunction with Account 2114 "Special purpose vehicles" (Repealed)
710.120	Retirement units for use in conjunction with Account 2115 "Garage work equipment" (Repealed)
710.125	Retirement units for use in conjunction with Account 2116 "Other work equipment" (Repealed)
710.130	Retirement units for use in conjunction with Account 2121 "Buildings" (Repealed)
710.135	Retirement units for use in conjunction with Account 2122 "Furniture" (Repealed)
710.140	Retirement units for use in conjunction with Account 2123.1 "Office support equipment" (Repealed)
710.145	Retirement units for use in conjunction with Account 2123.2 "Company communications equipment" (Repealed)

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- 710.150 Retirement units for use in conjunction with Account 2124 “General purpose computers” [\(Repealed\)](#)
- 710.155 Retirement units for use in conjunction with Account 2211 “Analog electronic switching” [\(Repealed\)](#)
- 710.160 Retirement units for use in conjunction with Account 2212 “Digital electronic switching” [\(Repealed\)](#)
- 710.165 Retirement units for use in conjunction with Account 2215 “Electro-mechanical switching” [\(Repealed\)](#)
- 710.170 Retirement units for use in conjunction with Account 2220 “Operator system” [\(Repealed\)](#)
- 710.175 Retirement units for use in conjunction with Account 2231 “Radio system” [\(Repealed\)](#)
- 710.180 Retirement units for use in conjunction with Account 2232 “Circuit equipment” [\(Repealed\)](#)
- 710.185 Retirement units for use in conjunction with Account 2321 “Customer premises wiring” [\(Repealed\)](#)
- 710.190 Retirement units for use in conjunction with Account 2351 “Public telephone terminal equipment” [\(Repealed\)](#)
- 710.200 Retirement units for use in conjunction with Account 2362 “Other terminal equipment” [\(Repealed\)](#)
- 710.205 Retirement units for use in conjunction with Account 2411 “Poles” [\(Repealed\)](#)
- 710.210 Retirement units for use in conjunction with Account 2421 “Aerial cable” [\(Repealed\)](#)
- 710.215 Retirement units for use in conjunction with Account 2422 “Underground cable” [\(Repealed\)](#)
- 710.220 Retirement units for use in conjunction with Account 2423 “Buried cable” [\(Repealed\)](#)
- 710.225 Retirement units for use in conjunction with Account 2424 “Submarine cable” [\(Repealed\)](#)
- 710.230 Retirement units for use in conjunction with Account 2426 “Intrabuilding network cable” [\(Repealed\)](#)
- 710.235 Retirement units for use in conjunction with Account 2431 “Aerial wire” [\(Repealed\)](#)
- 710.240 Retirement units for use in conjunction with Account 2441 “Conduit systems” [\(Repealed\)](#)
- [710.1120](#) [Account 1120 Cash and equivalents](#)
- 710.1160 Account 1160 Temporary investments [\(Repealed\)](#)
- [710.1170](#) [Account 1170 Receivables](#)
- [710.1171](#) [Account 1171 Allowance for doubtful accounts](#)
- 710.1180 Account 1180 Telecommunications accounts receivable [\(Repealed\)](#)

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710.1181	Account 1181 Accounts receivable allowance – Telecommunications (Repealed)
710.1190	Account 1190 Other accounts receivable (Repealed)
710.1191	Account 1191 Accounts receivable allowance – Other (Repealed)
710.1200	Account 1200 Notes receivable (Repealed)
710.1201	Account 1201 Notes receivable allowance (Repealed)
710.1401	Account 1401 Investments in affiliated companies (Repealed)
710.1410	Account 1410 Other noncurrent assets
710.1438	Account 1438 Deferred maintenance and retirements (Repealed)
710.2000	Instructions for telecommunications plant accounts
710.2002	Account 2002 Property held for future telecommunications use
710.2003	Account 2003 Telecommunications plant under construction
710.2231	Account 2231 Radio system (Repealed)
710.2232	Account 2232 Circuit equipment
710.2690	Account 2690 Intangibles
710.4000	Account 4000 Current accounts and notes payable
710.4010	Account 4010 Accounts payable (Repealed)
710.4020	Account 4020 Notes payable (Repealed)
710.4100	Account 4100 Net current deferred operating income taxes
710.4110	Account 4110 Net current deferred nonoperating income taxes
710.4340	Account 4340 Net noncurrent deferred operating income taxes
710.4350	Account 4350 Net noncurrent deferred nonoperating income taxes
710.4999	General Revenue Accounts
710.5003	Account 5003 Cellular mobile revenue
710.5082	Account 5082 Switched access revenue
710.5083	Account 5083 Special access revenue
710.5200	Account 5200 Miscellaneous revenue
710.5999	General - Expense Accounts (Repealed)
710.6620	Account 6620 Services
710.6720	Account 6720 General and administrative
710.7250	Account 7250 Provision for deferred operating income taxes - net
710.7400	Account 7400 Nonoperating taxes
710.7450	Account 7450 Provision for deferred nonoperating income taxes - net
710.9000	Glossary of Terms

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [~~220 ILCS 5/5-102, 5-103, and 10-101~~] (~~Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 5-102, 5-103, and 10-101~~).

SOURCE: Adopted April 15, 1974; amended at 2 Ill. Reg. 52, p. 473, effective January 1, 1979; codified at 7 Ill. Reg. 15949; amended at 7 Ill. Reg. 15972, effective November 18, 1983;

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emergency amendment at 8 Ill. Reg. 7636, effective May 17, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21231, effective October 15, 1984; amended at 9 Ill. Reg. 4029, effective April 1, 1985; amended at 9 Ill. Reg. 9453, effective June 10, 1985; amended at 9 Ill. Reg. 18912, effective November 20, 1985; amended at 10 Ill. Reg. 161, effective December 23, 1985; emergency amendment at 10 Ill. Reg. 775, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10526, effective May 30, 1986; amended at 11 Ill. Reg. 9035, effective May 1, 1987; emergency repealer and emergency rules adopted at 12 Ill. Reg. 1295, effective January 1, 1988, for a maximum of 150 days; Part repealed, new Part adopted at 12 Ill. Reg. 9645, effective May 25, 1988; amended at 13 Ill. Reg. 7570, effective May 15, 1989; amended at 13 Ill. Reg. 16971, effective November 1, 1989; amended at 14 Ill. Reg. 10021, effective June 15, 1990; amended at 15 Ill. Reg. 8205, effective June 1, 1991; amended at 27 Ill. Reg. 13360, effective August 1, 2003.

Section 710.1 Adoption of 47 CFR 32 by Reference

The Illinois Commerce Commission (“Commission”) adopts 47 CFR 32, as [of January 1, 2003](#), ~~of May 21, 1990~~, as its uniform system of accounts for telecommunications carriers, subject to the exceptions set forth in this Part. No incorporation in this Part includes any later amendment or edition.

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.11 Classification of companies

In Section 32.11(~~e~~), delete “upon the submission of a written notification to the Commission.”.

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.13 Accounts-General

- a) ~~In Section 32.13(a)(3), delete “provided that within 30 days of the opening of such accounts the company notifies the Commission of the nature and purpose thereof.”~~
- b) ~~In Section 32.13(b), “integrity” will depend upon whether the character or nature of the transaction is appropriate to the account definition and that the other account classifications are not applicable.~~
- a)e) In Section 32.13(d)(1), delete “state commission(s) having jurisdiction” and substitute “Commission.”.

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- ~~b)d~~) In Section 32.13(~~d~~)(2), delete “such commission(s)” and substitute “the Commission.”
- c) Delete Section 32.13(e) in its entirety and replace with the following language:
- "e) The company shall incorporate the following controls into its accounting system with respect to the maintenance of subsidiary records in lieu of the maintenance of accounts for various account categories:
- 1) The summation of the balances of all subsidiary records of an account shall equal the total balance of the account as reflected on the company's financial statements.
 - 2) The company shall document the accounting procedures related to subsidiary records.
 - 3) The subsidiary records shall be maintained at an adequate level of detail to satisfy the company's reporting requirements under Section 5-109 of the Public Utilities Act [220 ILCS 5/5-109]."
- ~~d)~~ In Section 32.13(e), delete “Where the use of subsidiary records is considered necessary in order to secure the information required in reports to any state commission,” and substitute “For the subsidiary records required for the plant accounts (see See Accounts 2001 through 2690).”

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.16 Changes in accounting standards

- ~~a)~~ Delete the text of Section 32.16(a) and substitute the following:
- ~~The Company is required to notify the Chief Accountant of the Commission of its intent to adopt and apply new accounting standards. In determining whether to accept a new accounting standard, the Chief Accountant shall consider the effect of the new standard on the revenue requirements and the financial stability of the carrier.~~
- ~~b)~~ Delete the text of Section 32.16(b) and substitute the following:
- "The Commission does not commit itself to the approval or acceptance of any

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item set out in any account for the purpose of fixing rates or in determining other matters before the Commission."

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.17 Interpretation of Accounts

- a) In Section 32.17, delete "Chief, Common Carrier Bureau" and substitute "Chief Accountant [Manager of Accounting](#) of the Commission" in the first sentence.
- b) In Section 32.17, delete "Common Carrier Bureau" and substitute "Chief Accountant [Manager of Accounting](#) of the Commission" in the second sentence.

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.19 Address for reports and correspondence

Delete text of Section 32.19 and replace with the following:

"Reports, statements, and correspondence submitted to the Commission in accordance with or relating to instructions and requirements herein shall be addressed to the Chief Clerk, Illinois Commerce Commission, 527 East Capital Avenue, P.O. ~~Box 19280~~, Springfield IL ~~62701~~, Illinois ~~62794-9280~~."

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.22 Comprehensive interperiod tax allocation

In Section 32.22(e)(2), add the following subsection:

"i) The term "vintage year" means the year a particular plant item was placed in service."

~~the term "vintage year means the year a particular plant item was placed in service.~~

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.23 Nonregulated activities

- a) In Section 32.23(a), delete the fourth sentence.
- b) In Section 32.23(c), delete the last sentence and substitute the following language:

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"For information on incidental treatment, see 83 Ill. Adm. Code 711.15 or 712.15."

~~e) For information on incidental treatment, see 83 Ill. Adm. Code 711.15 or 712.15.~~

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.25 Unusual items and contingent liabilities (Repealed)

~~a) In Section 32.25, delete "this" and substitute "the Chief Accountant of the."~~

~~b) See also Accounts 7610 and 7620.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.27 Transactions with affiliates

a) In Section 32.27(a), delete "Chief, Common Carrier Bureau" and substitute "Chief Accountant of the Commission," and change "(f)" to "(e)".

b) In Section 32.27(a), add the following language as the last sentence of the subsection: "See also 83 Ill. Adm. Code 711.25 or 712.25."

c) Delete Section 32.27(f) in its entirety.

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.100 List of retirement units (Repealed)

~~See Section 32.2000(d)(1) through (d)(5).~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.105 Retirement units for use in conjunction with Account 2112 "Motor vehicles" (Repealed)

~~a) Each complete item of equipment, the original cost of which was charged to the motor vehicle account, such as:~~

~~Automobiles~~

~~Buses~~

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~~Trucks~~

~~Truck-type tractors~~

~~Vans~~

b) ~~Tools or other work equipment permanently mounted on or forming a part of the vehicle, such as:~~

~~Air compressors~~

~~Borers, earth~~

~~Concrete mixers~~

~~Derricks, pole~~

~~Duct rodders~~

~~Ladders (not portable)~~

~~Ladder racks~~

~~Lifts and other aerial devices on trucks~~

~~Power pumps~~

~~Power take offs~~

~~Power winches~~

~~Spot lights~~

~~Tanks, kerosene and splicing oil~~

~~Tire carriers~~

~~Tarpaulins, truck body~~

~~Towing hooks~~

e) ~~In order for work equipment to be classified as a retirement unit of this account,~~

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~~the equipment shall be:~~

- ~~1) Mounted in or on the vehicle with intent to remain with the vehicle permanently or until replacement is necessary in accordance with manufacturer's specifications;~~
- ~~2) Required for the operation of the vehicle in its intended use; and~~
- ~~3) Inherent part of the vehicle (the vehicle will not operate as intended without the subject equipment).~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.110 Retirement units for use in conjunction with Account 2113 "Aircraft"
[\(Repealed\)](#)

~~Each complete item of equipment (includes furnishings installed as an integral part of the aircraft), the original cost of which was charged to the aircraft account, such as:~~

~~Helicopter
Jet power airplanes
Propeller powered airplanes~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.115 Retirement units for use in conjunction with Account 2114 "Special purpose vehicles"
[\(Repealed\)](#)

~~Each complete item of equipment, the original cost of which was charged to the special purpose vehicle account, such as:~~

~~Boat and barges
Golf cart
Moped
Snowmobile~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.120 Retirement units for use in conjunction with Account 2115 "Garage work equipment"
[\(Repealed\)](#)

~~Each complete item of equipment, the original cost of which was charged to the garage work~~

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~~equipment account, such as:~~

~~Air compressors
Car hoists
Engine analyzers and other diagnostic equipment
Exhaust emission testers
Garage jacks
Lubricating racks
Metal bins
Microprocessors and terminals associated with fuel dispensing
Power tools (e.g., sanders)
Pumps (oil, fuel, water, air)
Specially designed vacuums used to remove asbestos and other hazardous material
Storage tanks (e.g., fuel, oil; including underground storage fuel tanks)
Tire racks
Vehicle hoists and lifts (including car hoists)
Welding equipment
Wheel alignment and tire changing equipment~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.125 Retirement units for use in conjunction with Account 2116 “Other work equipment” [\(Repealed\)](#)

~~Each complete item of equipment, the original cost of which was charged to the other work equipment account, such as:~~

~~Air compressors
Back hoes
Bulldozers
Cable lashers
Cable plows
Carts—cable splicers
Concrete mixers mounted on trailers
Derrieks
Duct rodders mounted on trailers
Earth bores and diggers
Earth moving machines
Fork lifts~~

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~~Hand trucks
Hydraulic cable/pole pullers
Ladders (portable type)
Machine tools
Mobile radiotelephone base stations and units used for the maintenance system
Motors, portable
Pole handling equipment (derrick, jack)
Pole treating apparatus
Portable derricks
Portable heaters, blowers, pumps, generators, motors, alternators
Power take-offs
Power tools (e.g., drills, hammers, loaders, reels, blowers, winches)
Pumps (except fuel and oil)
Test equipment, portable— not designed and dedicated to one particular class of plant
Tamping and back filling machines
Tents— cable splicers
Tractors
Trailers
Trenching machines
Underground service modules and mobile power unit modules
Walkie talkies
Wire measuring machines~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.130 Retirement units for use in conjunction with Account 2121 “Buildings”
([Repealed](#))

- a) — ~~Each completed item which was charged to “Buildings,” such as:~~
- ~~1) A computer classified to this account~~
 - ~~2) A peripheral device associated with a computer classified to this account (e.g., input/output device, disk drive)~~
 - ~~3) A complete building~~
 - ~~4) — An entire roof with or without supporting members (Note: A building of~~

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~~irregular shape having more than one roof level may have several isolated roofs, each of which shall be considered an entire roof. In the case of buildings to which lateral extensions have been made, even though having but one roof level that part of the roof covering an entire section built at one time shall be considered an entire roof. That certain roofs are separated into sections by parapet walls shall not cause each section to be considered as a retirement unit.)~~

- 5) ~~A complete fire escape~~
- 6) ~~A complete metal window (i.e., box, frame and sash)~~
- 7) ~~A boiler, furnace, hot water heater or automatic stoker~~
- 8) ~~A coal or ash conveying system~~
- 9) ~~An elevator complete with operating mechanism~~
- 10) ~~A gas or oil burner system~~
- 11) ~~A complete driveway (all driveway for a particular building)~~
- 12) ~~A complete sidewalk (all sidewalk for a particular building)~~
- 13) ~~Paving for a complete parking area (all paved parking area at a particular building)~~
- 14) ~~A tower, when mounted on building, or structural steel self supporting type, when not mounted on building~~
- 15) ~~A house lighting or power board~~
- 16) ~~An oil tank~~
- 17) ~~The floor covering for one room, such as linoleum and similar floor covering and carpets attached to the building in such a manner that removal would render them unusable, and excluding rugs and carpets that can be reused after removal~~
- 18) ~~A motor, generator, engine, turbine, pump, compressor, ventilating fan, air washer, elevator drum or similar item of equipment, with or without associated wiring, control equipment, etc.~~

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- 19) ~~A complete metal door, including frame~~
 - 20) ~~A complete fence~~
 - 21) ~~Acoustic ceiling for one room~~
 - 22) ~~A.C. transformer for main and substation service~~
 - 23) ~~A septic tank~~
 - 24) ~~A cooling tower or evaporation condenser~~
 - 25) ~~A self-contained air conditioning unit~~
 - 26) ~~Major components of a built up air conditioning system such as:
 - A) ~~a condenser,~~
 - B) ~~an evaporator, or~~
 - C) ~~an air handler.~~~~
 - 27) ~~Detection and protection systems (e.g., fire, security, or temperature)~~
- b) ~~In addition to the above retirement units, material (i.e., portions of buildings, equipment, fixtures, etc.) installed and retired, and the labor and incidental costs involved in connection with work of the following character, shall be handled as a retirement and capitalization:~~
- 1) ~~Changes in the type of operation of elevator systems, e.g., a change from manual to signal control of cars, from manual to power operation of doors, from low speed to high speed, from direct to alternating current, from hydraulic to electric operation, from one type of signaling or dispatching system to another;~~
 - 2) ~~Relocations of rooms such as restrooms, battery rooms, kitchen, terminal rooms, machine rooms, and transformer vaults;~~
 - 3) ~~Structural changes such as:
 - A) ~~Reinforcements of floors, roofs, bearing walls, footings, and foundations;~~~~

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- B) ~~additions or relocations of elevator shafts, stairways, fire exits, and vaults, but excluding switchboard cable holes and slots; and~~
- C) ~~building alterations required for fire protection and other safety measures;~~
- 4) ~~Changes in the type of electric current supply, or of ventilating, air conditioning, or similar systems;~~
- 5) ~~Building enlargements;~~
- 6) ~~Replacements of the following characters:~~
 - A) ~~Replacement of plumbing or heating pipes (with or without associated valves) except when necessitated by minor repairs or minor relocations of fixtures;~~
 - B) ~~Replacement of all or substantially all of the lighting fixtures (with or without associated wiring and conduit) in one operating or equipment room or, in the case of office space, on one floor of a building; and~~
 - C) ~~General replacement (throughout a building or throughout an entire portion erected at one time) of items such as supply, return, or air valves in heating systems; hot or cold water valves or faucets; plumbing, heating, or drainage traps.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.135 Retirement units for use in conjunction with Account 2122 "Furniture"
(Repealed)

~~Each complete item of furniture, the original cost of which was charged to the furniture account, such as:~~

- ~~Antiques~~
- ~~Beds, cots and couches~~
- ~~Bookcases~~
- ~~Cabinets and filing cases~~
- ~~Cafeteria equipment (e.g., dining booths, dishwashers, steamers)~~
- ~~Chairs~~

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~~Credenzas
Desks
Exercise equipment, movable
Lamps
Lockers and wardrobes, movable
Microwave ovens, movable
Modular furniture (major components)
Murals
Paintings
Partition system, movable
Photographs
Pianos and phonographs
Prints, original or limited edition
Refrigerators, movable
Rugs
Sofas
Station, cashier or hostess
Statuary
Stoves
Tables
Tapestries
Vending machines
Wall hangings
Woodcuts~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.140 Retirement units for use in conjunction with Account 2123.1 "Office support equipment" ([Repealed](#))

~~Each complete item of equipment, the original cost of which was charged to the office support equipment account, such as:~~

~~Addressing machines
Air conditioning units, portable
Audio/visual equipment (e.g., screens, slides, projectors)
Billing/posting machines
Blueprinting machines
Burster, paper
Calculators~~

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~~Cameras
Cash registers
Check writers
Coin counter/sorter
Copier machines
Counters
Dehumidifying units, portable
Dictating equipment
Display and lecture demonstration kits
Drilling equipment, paper
Facsimile devices
Fans—electric portable
Fire extinguisher equipment, portable
Floor scrubbing and polishing machines
Medical equipment (e.g., X ray equipment, examining tables, microscopes, whirlpool)
Microfilm equipment
Paper folders
Paper shredders
Photostat copiers
Postage meter machines
Safes
Sewing machines
Television sets and audio/visual monitors
Typewriters
Vacuum cleaners
Vending machines
Water coolers, portable~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.145 Retirement units for use in conjunction with Account 2123.2 “Company communications equipment” ([Repealed](#))

- a) ~~Each complete item of equipment, the original cost of which was charged to the company communications equipment account, such as:~~

~~Conference/bridging equipment~~

~~Data sets~~

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~~Desk sets, hand sets, wall sets and combined sets including the distributing frames~~

~~Inside wiring plus terminal boxes or cross connector points~~

~~Key telephone systems element (key cabinets, key boxes, relay rack equipment)~~

~~Mobile telephone terminal equipment~~

~~Multiple manual switchboards~~

~~Power equipment, including special foundations~~

~~Private branch exchange, common equipment elements (cable to network interface, power equipment, switch board, switching equipment)~~

~~Switching equipment at switching or relay centers of teletypewriter systems~~

~~Teletypewriters~~

~~Voice message exchange~~

- b) ~~All of the above items generally should be dedicated to the official company communications function. Items of multiple use shall be classified based on the predominant (most frequent) use.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.150 Retirement units for use in conjunction with Account 2124 "General purpose computers" ([Repealed](#))

~~Each complete item of equipment, the original cost of which was charged to the general purpose computers account, such as:~~

~~Assemblers
Burster (imprinter-detacher)
Card read/punch
Cartridge drive
Central processing units
Concentrator/multiplexer~~

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~~Control consoles
Converter, tape-to-card component parts (The card converter and the tape reader are retirement units.)
Decollator
Disk drives
Input/output devices
Intercoupler (system) such as a sensing device, control chassis, reader/punch and other devices which interface the computer with the computer's input/output devices.
Main storage
Memory units
Modems
Multiplexer/concentrator
Optical scanners
Personal computer (include CPU, disk drives, monitor(s) and keyboard)
Power converter unit
Power units (e.g., bus bars, generators, engines, chargers, and storage batteries)
Printers
Reader or tape switching units
Remote console units
Tapedrives
Teletypewriters (not associated with official communications intrasystem)
Terminal (keyboard/display)
Uninterruptible power supply units
Word processors~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.155 Retirement units for use in conjunction with Account 2211 "Analog electronic switching" ([Repealed](#))

- a) — ~~Each complete item of equipment, the original cost of which was charged to the analog electronic switching account, such as:~~
- ~~1) — Automatic number announcer~~
 - ~~2) — Computers classified to this account~~
 - ~~3) — Peripheral devices associated with computers classified to this account (i.e., input/output devices, disk drives)~~

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- 4) ~~Desks and test boards:~~
- A) ~~Desks (i.e., operating, observing or testing) a complete section or lower unit~~
 - B) ~~Testboards or test control boards (board type) a complete section~~
 - C) ~~Testboards or test control boards (rack type):~~
 - i) ~~All the equipment in one bay~~
 - ii) ~~A complete upper unit~~
 - iii) ~~A complete lower unit~~
 - D) ~~Test panels a complete panel~~
 - E) ~~Test cabinets a cabinet complete with equipment~~
- 5) ~~Main distributing frame a complete installation for one central office in multi-unit offices for one operating unit (including wall type frames)~~
- 6) ~~Racks:~~
- A) ~~Relay rack equipment:~~
 - i) ~~A panel or unit complete with equipment~~
 - ii) ~~All the equipment in one bay, exclusive of any panels or units~~
 - B) ~~Coil rack equipment: All equipment on one shelf~~
 - C) ~~Message and traffic register track equipment:~~

~~All equipment in one bay~~
 - D) ~~Iron framework a complete line of rack with or without enclosing cabinet or case~~
- 7) ~~Cable:~~

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- A) ~~All of the cable in one run used for the same purpose, such as between:~~
- i) ~~Main frame and intermediate frame for subscribers' lines~~
 - ii) ~~Main frame and intermediate frame for outgoing trunk multiple~~
 - iii) ~~Intermediate frame and connector frame or final frame for subscribers' lines~~
 - iv) ~~Intermediate frame and answering jacks~~
 - v) ~~Intermediate frame and switchboard for outgoing trunk multiple jacks~~
 - vi) ~~Intermediate frame and switchboard for subscribers' multiple jack.~~
- B) ~~Iron framework a complete installation of rack for one cable run~~
- 8) ~~Power Equipment:~~
- A) ~~Frame or rack mounted equipment:~~
- i) ~~A panel or shelf complete with equipment, such as fuses, meters, control equipment, etc.~~
 - ii) ~~Iron framework a frame or rack for one fuse board, one power switchboard, etc.~~
- B) ~~A generator, motor, motor generator set, gas engine, rectifier, ringing machine, interrupter~~
- C) ~~Storage batteries:~~
- i) ~~A complete battery with or without rack or cabinet or counter electric motive force cells~~
 - ii) ~~All positive or all negative plates in an entire battery (i.e., in all cells of a 48 volt battery)~~

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- iii) ~~All tanks or all parts or jars of an entire battery~~
 - iv) ~~Battery rectifier (charger)~~
 - v) ~~A complete group of bus bars, cable or wiring (with or without conduit) such as between battery and fuse panel, and power switchboard and machines~~
 - vi) ~~A complete battery rack on cabinet, storage or dry~~
- 9) ~~Where a central office battery plan consists of two or more banks of cells, each bank connected in parallel with the other(s), each such bank of cells is considered as a complete battery~~
- 10) ~~Telephone repeater equipment (including test equipment):~~
- A) ~~A complete floor mounted rack type set~~
 - B) ~~Relay rack mounted equipment:~~
 - i) ~~A panel or unit complete with equipment~~
 - ii) ~~All the equipment in one bay exclusive of any panels or units.~~
 - C) ~~Coil rack mounted equipment:~~
 - i) ~~All the equipment on one shelf~~
 - ii) ~~Iron framework a complete line of rack~~
 - D) ~~Carrier equipment:~~
 - i) ~~A complete floor mounted rack type set,~~
 - ii) ~~Relay rack mounted equipment (a panel or unit complete with equipment, all the equipment in one bay exclusive of any panels or units),~~
 - iii) ~~a line filter,~~
 - iv) ~~a complete test table,~~

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- v) ~~iron framework—a complete line of rack~~
- E) ~~Telegraph equipment:~~
 - i) ~~Telegraph testboard—a complete section or bay~~
 - ii) ~~Duplex single line telegraph and polar repeaters: A table or bay complete with equipment~~
 - iii) ~~Metallic telegraph repeaters (a complete floor mounted rack type set, a panel or unit complete with equipment~~
 - iv) ~~Voice frequently carrier equipment—a panel or unit complete with equipment~~
 - v) ~~Voice frequently carrier battery supply apparatus (a complete bay of equipment, a complete test table)~~
 - vi) ~~Iron framework—a complete line of rack~~
- 11) ~~Telephotograph equipment:~~
 - A) ~~Table mounted sending or receiving equipment:~~
 - ~~Complete amplifier modulator box~~
 - ~~Complete fork box~~
 - ~~Complete mechanical system~~
 - ~~Complete optical system~~
 - ~~Table complete with equipment~~
 - B) ~~Rack mounted sending or receiving equipment:~~
 - ~~A panel complete with equipment~~
 - ~~All the equipment in one bay~~
 - ~~Iron framework—a complete line or rack~~
 - C) ~~Power equipment:~~
 - ~~A complete power board~~
 - ~~A complete storage battery~~
 - D) ~~Photographic equipment:~~

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~~A copying camera or a copying, enlarging and reducing camera, each with or without associated stands, illuminators, and copy boards~~

~~A developing, fixing, and washing tank~~

~~A drying cabinet~~

~~A print machine~~

~~12) Miscellaneous equipment:~~

~~A) A calculagraph, a master clock, or a secondary clock~~

~~B) Electrically driven calculagraph and clock system—a complete installation~~

~~C) Mechanical or pneumatic tube ticket distributing system—a complete installation~~

~~D) Each complete or test set the cost of which was charged to a Central Office Asset account, such as a plug remover and attacher cam aligning fixture, multiple bank resetting gauge, chart straightening tool, a relay adjusting set, a line finder set or wagon-type set~~

~~E) Each complete item of furniture specifically designed for use in Central Offices (i.e., table or desk equipment with central office equipment)~~

~~F) Loud speaker equipment—a complete installation~~

~~G) Aisle lighting equipment—a complete installation on one floor~~

~~H) Rolling ladders—a complete installation for one side of one frame or rack~~

~~I) Message and traffic register cabinets—a cabinet complete with equipment~~

~~J) Teletypewriter sets—the retirement units identified for teletypewriters in Account 2123.2, Other Communications Equipment~~

~~13) A complete equipment frame and shelves and backplane, such as:~~

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~~Administrative control and input/output
Basic central control
Combined memory
Data management and transmission
Facility test unit
Line unit
Miscellaneous power distribution
Trunk service juncter
Trunk unit~~

14) ~~All printed wiring cards or units within a frame, such as:~~

~~Automatic number announcer
Call store equipment
Central processing unit
Control consoles
Juncters
Line cards
Magnetic tape unit and controllers
Multi-frequency (MF) receivers
Multi-frequency (MF) senders
Peripheral interface units
Power supply
Program store equipment
Remote dial test
Ringing generator
Signaling processor
Trunk cards~~

b) ~~Each complete item of test equipment, hardwired or specifically designed and dedicated for use with a particular analog electronic switching system.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.160 Retirement units for use in conjunction with Account 2212 "Digital electronic switching" ([Repealed](#))

a) ~~Each complete item of equipment, the original cost of which was charged to the digital electronic switching account. See Section 710.155(a) for the list of units.~~

b) ~~Each complete item of test equipment, hardwired or specifically designed and~~

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~~dedicated for use with a particular digital electronic switching system.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.165 Retirement units for use in conjunction with Account 2215 “Electro-mechanical switching” [\(Repealed\)](#)

- ~~a) — Each complete item of equipment the original cost of which was charged to the electro-mechanical switching account. See Section 710.155(a) for the list of units.~~
- ~~b) — Each complete item of test equipment, hardwired or specifically designed and dedicated for use with a particular electro-mechanical switching system~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.170 Retirement units for use in conjunction with Account 2220 “Operator system” [\(Repealed\)](#)

- ~~a) — Each complete item of equipment, the original cost of which was charged to the operator system account, such as:
 - ~~1) — Announcement equipment~~
 - ~~2) — Computers classified to operator systems~~
 - ~~3) — Conference calling equipment~~
 - ~~4) — Cordboards~~
 - ~~5) — Directory assistance positions~~
 - ~~6) — Furniture items specifically designed for use with operator systems~~
 - ~~7) — Intercept equipment~~
 - ~~8) — Operator console (traffic service position systems or traffic operator position systems)~~
 - ~~9) — Peripheral devices associated with computers classified to operator systems (e.g., input/output devices, disk drives)~~
 - ~~10) — Rate and route equipment~~~~

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- 11) ~~Switchboards~~
- 12) ~~Test equipment, hardwired or specifically designed and dedicated for use with a particular major operator system or component~~
- 13) ~~Time and charge quotation equipment~~
- 14) ~~Power equipment:~~
 - A) ~~Frame or rack mounted equipment:~~
 - i) ~~A panel or shelf complete with equipment, such as fuses, meters, control equipment, etc.~~
 - ii) ~~Iron framework—a complete line of frame or rack for one fuse board, one power switchboard, etc.~~
 - B) ~~A generator, motor, motor-generator set, gas engine, rectifier, ringing machine, interrupter~~
 - C) ~~Storage batteries:~~
 - i) ~~A complete battery with or without rack or cabinet~~
 - ii) ~~All positive or all negative plates in an entire battery (i.e., in all cells of a 48-volt battery)~~
 - iii) ~~All tanks or all parts of an entire battery~~
 - iv) ~~Battery rectifier (charger)~~
 - v) ~~A complete group of bus bars, cable, or wiring (with or without conduit) such as between battery and fuse panel, and power switchboard and machines~~
- b) ~~Where a central office battery plan consists of two or more banks of cells, each bank connected in parallel with the other or others, each such bank of cells is considered as a complete battery.~~
- e) ~~Operator consoles (traffic service position systems or traffic operator position systems)~~

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- ~~d) — A complete equipment frame with shelves and backplane~~
- ~~e) — All printed wiring cards or units within a frame~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.175 Retirement units for use in conjunction with Account 2231 “Radio system”
(Repealed)

- ~~a) — Each complete item of equipment, the original cost of which was charged to the radio system account, such as:

Amplifiers
Computers classified to this account
Control apparatus
Frequency modulation terminals
Intercept equipment
Peripheral devices associated with computer systems classified to this account
(e.g., input/output devices, disk drives)
Test equipment specifically designed for radio systems or its components
Transeivers
Transmitter (complete~~
- ~~b) — Note: For mobile radiotelephone central office equipment, a transmitter, a receiver, a control terminal, a test transmitter or receiver, power supply, batteries and a complete vertical antenna should be considered as a retirement unit.~~
- ~~c) — Paging equipment including transmitting, receiving, decoding units and power supply~~
- ~~d) — Radio relay type:

Antenna
Monitor and alarm systems
Receiving assembly
Solar power repeaters
Transmitting assembly
Waveguide~~
- ~~e) — Television Pick-up Type:~~

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~~A complete tripod and antenna
A control head
Program transmission equipment
R-F head, transmitter or receiver~~

~~f) — Power Equipment:~~

~~1) — Frame or rack mounted equipment:~~

~~A) — A panel or shelf complete with equipment, such as fuses, meters, control equipment, etc.~~

~~B) — Iron framework — a complete line of frame or rack for one fuse board, one power switchboard, etc.~~

~~2) — A generator, motor, motor-generator set, gas engine, rectifier, ringing machine, interrupter~~

~~g) — Storage batteries:~~

~~1) — A complete battery with or without rack or cabinet~~

~~2) — All positive or all negative plates in an entire battery (i.e., in all cells of a 48-volt battery)~~

~~3) — All tanks or all parts of an entire battery~~

~~4) — Battery rectifier (charger)~~

~~5) — A complete group of bus bars, cable or wiring (with or without conduit) such as between battery and fuse panel, and power switchboard and machines~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.180 Retirement units for use in conjunction with Account 2232 “Circuit equipment”
(Repealed)

~~Each complete item of equipment, the original cost of which was charged to the circuit equipment account, such as:~~

~~a) — Alarm system — a complete unit~~

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- b) ~~Carrier and voice frequency patch bays~~
- e) ~~Channel banks~~
- d) ~~Channel bank equipment~~
- e) ~~Channel units~~
- f) ~~Charger racks—130 volt~~
- g) ~~Common channel interoffice signaling terminal equipment~~
- h) ~~Computers classified to this account~~
- i) ~~Concentrators~~
- j) ~~Converters, analog to digital~~
- k) ~~Desks, repair or test (specifically designed as circuit equipment)~~
- l) ~~Digital access cross connect system~~
- m) ~~Digital interface frame~~
- n) ~~Echo cancelers~~
- o) ~~Echo suppressors~~
- p) ~~Equalizers~~
- q) ~~Peripheral devices associated with computer systems classified to this account
(e.g., input/output devices, disk drives)~~
- r) ~~Test equipment hardwired or designed and dedicated specifically for use with
analog circuit equipment~~
- s) ~~Voice frequently repeater equipment~~
 - 1) ~~Relay rack mounted equipment—All equipment in one rack~~
 - 2) ~~Coil rack mounted equipment—All the equipment on one rack~~

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- 3) ~~Iron framework—a complete rack~~
- t) ~~Complete carrier terminal or multiplexers~~
 - 1) ~~Carrier plug-in units—a complete unit or set. Assemblies for which stock is maintained and units compared thereto.~~
 - 2) ~~Basic assembly unit including shelf, transmitter, receiver, alarm unit, cross-connect panel, splice panel, writing shelf, and power supply~~
- u) ~~Line repeaters~~
 - 1) ~~An entire cabinet~~
 - 2) ~~All repeaters within a cabinet~~
- v) ~~Cross-connect panels~~
- w) ~~Power equipment:~~
 - 1) ~~Frame or rack mounted equipment:~~
 - A) ~~A panel or shelf complete with equipment, such as fuses, meters, control equipment, etc.~~
 - B) ~~Iron framework—a complete line of frame or rack for one fuse board, one power switchboard, etc.~~
 - 2) ~~Storage batteries:~~
 - A) ~~A complete battery with or without rack or cabinet~~
 - B) ~~All positive or all negative plates in an entire battery (i.e., in all cells of a 48-volt battery)~~
 - C) ~~All tanks or all parts of an entire battery~~
 - D) ~~Battery rectifier (charger)~~
 - E) ~~A complete group of bus bars, cable or wiring (with or without conduit) such as between battery and fuse panel, and power switchboard and machines~~

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- x) ~~Optical transmitter (laser or light emitting diode)~~
- y) ~~Optical receivers~~
- z) ~~Wave length multiplexers~~
- aa) ~~Span switching units a complete installation~~
- bb) ~~Power conversion equipment~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.185 Retirement units for use in conjunction with Account 2321 "Customer premises wiring" (Repealed)

- a) ~~The original cost of the following items are includible in Account 2321 such as:~~
 - 1) ~~The wires (or small cables) from the station apparatus to the point of connection with the outside plant cable or wire facilities.~~
 - 2) ~~The wires (or small cables) used to connect station apparatus in the same building, such as main stations with extension stations, and stations of the intercommunicating systems.~~
 - 3) ~~The wires (or small cables) used to connect private branch exchange switchboards or their distributing frames with terminal stations located in the same building.~~
 - 4) ~~The wires (or small cables) used to connect the various parts of a small private branch exchange, such as the cables or wires from distributing frames to switchboard.~~
 - 5) ~~The wires (or small cables) installed specifically to serve as trunk, battery, or generator circuits from a small private branch exchange to the point of connection with the permanent house or outside cables or wires.~~
 - 6) ~~Connecting blocks, ground wires, ground rods, station protectors, clamps, cleats, nails, screws and other material used in the installation of station apparatus and inside wiring and cabling.~~
 - 7) ~~Labor and other costs incurred in connection with station apparatus and station connection installations or additions thereto.~~

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- b) ~~Note: The cost of outside plant, such as poles, wires, and cables, whether or not on private property, used to connect a private branch exchange with its terminal stations shall be charged to the appropriate pole, wire and cable accounts.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.190 Retirement units for use in conjunction with Account 2351 "Public telephone terminal equipment" (Repealed)

~~The original cost of the following items is includible in the public telephone terminal equipment account such as:~~

- a) ~~Housing—a complete installation with or without booth, directory hangers and shelves, shield and public telephone sign~~
- b) ~~Pedestal—a complete installation with or without a base plate~~
- e) ~~Shelf in proximity to public telephones—complete installation with or without directory hangers~~
- d) ~~Telephone set—a complete item~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.200 Retirement units for use in conjunction with Account 2362 "Other terminal equipment" (Repealed)

~~Each complete item of equipment, the original cost of which was charged to the other terminal equipment accounts, such as:~~

~~Auxiliary data sets
Centrex attendant position equipment
Channel service unit 500A
Communications devices for the handicapped
Data service unit 500B
Digital data system equipment
E-911 public safety answering point equipment and CPE
ESS-ASC console control cabinets
Network channel terminating equipment
Overvoltage protection systems
Porta print PLUS~~

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~~Porta printer II
Subscriber pair gain equipment~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.205 Retirement units for use in conjunction with Account 2411 "Poles" (Repealed)

~~The original cost of the following items is includible in poles and towers account, such as:~~

- ~~a) — A pole (e.g., line pole, brace pole, guy stub, or pole forming part of A or H fixture), with or without associated anchors, guys, or steps, crossarms, etc.~~
- ~~b) — A special fixture (e.g., a bridge fixture, a tower or other special river crossing or long span fixture) with or without associated anchors, guys, etc.~~
- ~~c) — Towers — aluminum, wood or steel; guyed and free standing. This does not include antenna support on buildings or large self-supporting antenna towers chargeable to Account 2121.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.210 Retirement units for use in conjunction with Account 2421 "Aerial cable" (Repealed)

~~The original cost of the following items is includible in the aerial cable account, such as:~~

- ~~a) — Two continuous spans or more of cable with (metallic or nonmetallic) or without associated distribution terminals, suspension strands, clamps, lashing, etc. (The term "span" shall include a length of cable from a "Y" splice not located at a pole, to a pole or building or any section of aerial cable 300 feet or more in length.)~~
- ~~b) — A section or run of cable with or without associated elements and parts as follows: All of a continuous run of one size (i.e., a section between splices other than straight splices) of block cable, i.e., cable attached to buildings, walls or fences.~~
- ~~c) — Any length of cable connected with but not a part of any unit on this list when replaced concurrently with the unit.~~
- ~~d) — Terminating cable (all of the cables and forms used for terminating one cable)~~
- ~~e) — A complete cross connect cable terminal, protected or unprotected, with or without associated balcony, pole seat, pedestal, etc~~

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- ~~f) — A pressure contractor terminal with or without contactor~~
- ~~g) — A complete house terminal, protected or unprotected, including frame type~~
- ~~h) — A complete video terminal~~
- ~~i) — A complete coaxial terminal~~
- ~~j) — A case of equipment such as loading coils, building out condensers, carrier lines filters, or auto transformers~~
- ~~k) — An air dryer~~
- ~~l) — Equipment for wide band RF systems such as amplifiers, automatic gain control modules, couplers, equalizers, splitters~~
- ~~m) — Cable pressure alarm systems~~
- ~~n) — Transducer housing with associated transducers~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.215 Retirement units for use in conjunction with Account 2422 “Underground cable” (Repealed)

The original cost of the following items is includible in the underground cable account, such as:

- ~~a) — A section or run of cable (metallic or nonmetallic) with or without associated elements and parts as follows:
 - ~~1) — Between a manhole, handhole or service box and a pole, building, fence, wall or the junction with house cable~~
 - ~~2) — Between manholes, handholes or service boxes; or between an office cable vault and an office manhole~~
 - ~~3) — Between a cable vault or an office manhole and the main frame, the main frame terminating cables, or the frame mounted connector stub~~
 - ~~4) — All of a continuous run of one size of block cable, e.g., cable attached to buildings, walls or fences (See Section 710.210(b)).~~~~

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- ~~5) — A section of underground dip cable between poles and/or buildings, or the appropriate units listed above~~
- ~~b) — Any length of cable connected with but not a part of any unit of this list when replaced concurrently with the unit~~
- ~~c) — Terminating cables; all of the cables and forms used for terminating one cable~~
- ~~d) — Any length of cable in an underground dip (except cable of two pairs or less used as drop or block wires)~~
- ~~e) — A complete cross connecting cable terminal, protected or unprotected~~
- ~~f) — A pressure contactor terminal with or without contactor~~
- ~~g) — A complete video terminal~~
- ~~h) — A complete coaxial terminal~~
- ~~i) — A case of equipment such as loading coils, building out condensers, carrier line filters, or auto transformers~~
- ~~j) — An air dryer~~
- ~~k) — Equipment for wide band RF systems such as amplifiers, automatic gain control modules, couplers, equalizers, splitters~~
- ~~l) — Cable pressure alarm systems~~
- ~~m) — Transducer housing with associated transducers~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.220 Retirement units for use in conjunction with Account 2423 “Buried cable”
(Repealed)

The original cost of the following items is includible in the buried cable account, such as:

- ~~a) — A section or run of cable (metallic or nonmetallic) with or without associated elements and parts as follows:~~
 - ~~1) — Between a manhole, handhole or service box and a pole, building, fence,~~

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~~wall or the junction with house cable~~

- ~~2) Between manholes, handholes or service boxes; or between an office cable vault and an office manhole~~
- ~~3) Between a cable vault or an office manhole and the main frame, the main frame terminating cables, or the frame mounted connector stub~~
- ~~4) A section of buried cable 300 feet or more in length, or any section of buried cable between manholes, splicing boxes, pedestals, poses or buildings~~
- ~~b) Any length of cable connected with but not a part of any unit of this list when replaced concurrently with the unit~~
- ~~e) Terminating cables (all of the cables and forms used for terminating one cable)~~
- ~~d) A complete cross connecting cable terminal, protected or unprotected~~
- ~~e) A pressure contactor terminal with or without contactor~~
- ~~f) A complete video terminal~~
- ~~g) A complete coaxial terminal~~
- ~~h) A case of equipment such as loading coils, building out condensers, carrier line filters, or auto transformers~~
- ~~i) An air dryer~~
- ~~j) Equipment for wide band RF systems such as amplifiers, automatic gain control modules, couplers, equalizers, splitters~~
- ~~k) Cable pressure alarm systems~~
- ~~l) Transducer housing with associated transducers~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.225 Retirement units for use in conjunction with Account 2424 "Submarine cable"
(Repealed)

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The original cost of the following items is includible in the submarine cable account, such as:

- a) ~~A section or run of cable (metallic or nonmetallic) with or without associated elements and parts as follows:~~

~~All of a submarine cable for one crossing; or a section of submarine cable 300 feet or more in length~~

- b) ~~Any length of cable connected with but not a part of any unit of this list when replaced concurrently with the unit~~

- c) ~~A complete cross connecting cable terminal, protected or unprotected~~

- d) ~~A pressure contactor terminal with or without contactor~~

- e) ~~A submarine cable hut or house~~

- f) ~~A submarine cable anchorage~~

- g) ~~A submarine cable terminating frame~~

- h) ~~A case of equipment such as loading coils, building out condensers, carrier line filter, or auto transformers~~

- i) ~~An air dryer~~

- j) ~~Terminating cables—all of the cables and forms used for terminating one cable~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.230 Retirement units for use in conjunction with Account 2426 “Intrabuilding network cable” (Repealed)

~~The retirement units for intrabuilding network cable, except for location, are the same as the retirement units in underground, buried and aerial cable. Components of all cable accounts can be found in intrabuilding network cable.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.235 Retirement units for use in conjunction with Account 2431 “Aerial wire” (Repealed)

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~~The original cost of the following is includible in the aerial wire account, such as:~~

- ~~a) Five continuous spans or more of one wire, with or without items such as the associated insulators and transposition brackets.~~
- ~~b) A case of equipment such as loading coils, building out condensers, carrier line filters, or auto transformers, or carrier line filters (except low path filters associated with subscriber line carriers and load coil cases designed for fewer than six coils)~~
- ~~c) An antenna, complete with or without supports~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.240 Retirement units for use in conjunction with Account 2441 "Conduit systems" (Repealed)

~~The original cost of the following is includible in the underground conduit, such as:~~

- ~~a) A section of conduit:
 - ~~1) Between two manholes, handholes or service boxes~~
 - ~~2) Between a manhole, handhole or service box and a pole or building~~
 - ~~3) Between a central office cable vault and an office manhole~~
 - ~~4) Underground dips between two poles; between a pole and a building; between two buildings; or between the units in subsections (a)(1) and (a)(2).~~~~
- ~~b) A manhole, handhole or service box~~
- ~~c) Note: When a manhole is reconstructed, i.e., enlarged or changed in design, the portions of the manhole removed, whether or not replaced, shall be reported under the "X" (removal) account~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.1120 Cash and equivalents

In Section 32.1120(g), delete "part 43" and replace with "Section 5-109" and delete "this

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Commission's Rules and Regulations" and replace with "the Public Utilities Act [220 ILCS 5/5-109]".

(Source: Added at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.1160 Account 1160 Temporary investments (Repealed)

~~In Section 32.1160(c), delete the second sentence.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.1170 Account 1170 Receivables

In Section 32.1170(h) delete "part 43" and replace with "Section 5-109" and delete "this Commission's Rules and Regulations" and replace with "the Public Utilities Act [220 ILCS 5/5-109]".

(Source: Added at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.1171 Account 1171 Allowance for doubtful accounts

In Section 32.1171(c), delete "part 43" and replace with "Section 5-109" and delete "this Commission's Rules and Regulations" and replace with "the Public Utilities Act [220 ILCS 5/5-109]".

(Source: Added at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.1180 Account 1180 Telecommunications accounts receivable (Repealed)

~~In Section 32.1180(c), delete the second sentence.~~

(Source: Repealed at 27 Ill. Reg. 1336013360, effective August 1, 2003)

Section 710.1181 Account 1181 Accounts receivable allowance – Telecommunications (Repealed)

~~In Section 32.1181(c), delete the second sentence.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.1190 Account 1190 Other accounts receivable (Repealed)

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~~In Section 32.1190(b), delete the second sentence.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.1191 Account 1191 Accounts receivable allowance – Other (Repealed)

~~In Section 32.1191(c), delete the second sentence.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.1200 Account 1200 Notes receivable (Repealed)

~~In Section 32.1200(b), delete the second sentence.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.1201 Account 1201 Notes receivable allowance (Repealed)

~~In Section 32.1201(c), delete the second sentence.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.1401 Account 1401 Investments in affiliated companies (Repealed)

~~In Section 32.1401(f), delete the second sentence.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.1410 Account 1410 Other noncurrent assets

In Section 32.1410(k), delete “part 43” and replace with “Section 5-109” and delete “this Commission’s Rules and Regulations” and replace with “the Public Utilities Act [220 ILCS 5/5-109]”.

(Source: Added at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.1438 Account 1438 Deferred maintenance and retirements (Repealed)

- a) ~~In Section 32.1438(a), examples of “extraordinary nonrecurring retirement” would include, but not be limited to, retirements due to natural disasters, total destruction by fire, or obsolescence caused by technological advances.~~

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~~b) In Section 32.1438(b), delete “this” and substitute “the Chief Accountant of” in the first and second sentence.~~

~~c) In Section 32.1438(b), add the following language after the first sentence:~~

~~The Chief Accountant shall approve the inclusion of charges if the inclusion minimizes the adverse effect on the ratepayers as compared with current recognition of the charges.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.2000 Instructions for telecommunications plant accounts

a) Section 32.2000(d)(2)

1) In Section 32.2000(d)(2)(i), in the first sentence, delete “a representative list of which shall be prescribed by this Commission.”

2) In Section 32.2000(d)(2)(i), delete the second sentence and replace with:

“Each company shall maintain a written property units listing for use in accounting for additions and retirements of telecommunications plant and apply the listing consistently.”

b) Delete subsection 32.2000(e)(5) in its entirety.

c) In Section 32.2000(f)(2)(i), delete the last two sentences.

d) Delete Section 32.2000(f)(2)(ii) in its entirety.

a) Section 32.2000(a)(4)

1) In Section 32.2000 (a)(4), delete “\$200” and substitute “\$500.”

2) In Section 32.2000(a)(4), add a new subsection 32.2000(a)(4)(ii) as follows:

“(A) The Commission provides administrative relief by eliminating the need to maintain separate continuing property records for the embedded previously capitalized items in Section 32.2000(a)(4)(i) costing between \$200 and \$500. However, segregation is required

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~~of the embedded balances for those assets costing between \$200 and \$500 designated in Section 32.2000(a) (4)(i). This is accomplished by establishing subsidiary records for the assets and the related accumulated depreciation reserve accounts and recording in such subsidiary records the asset and the related accumulated depreciation balance for the embedded items costing between \$200 and \$500.~~

- (B) ~~The Commission allows the amortization of the embedded net balances in the subsidiary records and monthly debits to the accumulated depreciation subsidiary records. The monthly amounts shall be determined by dividing the subsidiary record balances by the number of months remaining in the amortization period. The difference between the debit and credit amounts so determined shall be charged to Account 6565, Amortization Expense—Other. At the end of the eight year amortization period, when the balances in the subsidiary records have been fully amortized, use of the subsidiary records shall be discontinued.~~
- (C) ~~Carriers shall be permitted, if they wish, to adopt the requirements in Section 32.2000(a)(4)(ii), retroactive to January 1, 1989.”~~

- b) ~~In determining the reasonable amounts of interest to which Section 32.2000(c)(2)(x)(A) refers, the Commission will consider items including, but not limited to, current money market rates and the carrier’s interest rate on its debt and return on equity funds.~~
- e) ~~In Section 32.2000(e)(5), insert “Chief Accountant of” before “Commission.”~~
- d) ~~In Section 32.2000(e)(5)(i), insert “Chief Clerk of the” before “Commission.”~~
- d) ~~In Section 32.2000(e)(5)(ii), insert “Chief Accountant of the” before “Commission.”~~
- e) ~~In Section 32.2000(f)(2)(ii), add “Chief Accountant of the” before “Commission” in the first and second sentences.~~
- f) ~~In Section 32.2000(f)(2), add a new subsection (iv) as follows:~~

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- ~~“(A) Each telecommunications company shall record all changes such as installations, additions, retirements, or replacement of telecommunications plant by means of a work order or job order system. Items which are complete retirement units (e.g. motor vehicle, furniture) do not require the use of work orders before recording them in the plant accounts.~~
- ~~(B) The work order shall include the following particulars:~~
- ~~(1) A work order number.~~
 - ~~(2) The description and the location of the work to be done (or the purchases to be made), the dates between which such work (or purchase) is to be accomplished, the date the work is begun and the date it is finished, together with maps, plans or diagrams, specifications, etc., applicable to the project.~~
 - ~~(3) The accumulated charges applicable to each particular job or project and the total cost of the completed project, also the cost of removal. (When any project involves charges to more than one account, the work order should be kept so as to show the amount chargeable to each account. Every charge or credit on work orders shall refer to the voucher, journal, or other source from which the entry therein was made.)~~
- ~~(C) The cost of completed projects shall be promptly transferred to the telecommunications plant accounts to which they are chargeable.”~~

eh) In Section 32.2000(f)(3)(ii)(B), add the following language at the end of the subsection:

"The "unusual or special type of construction" to which Section 32.2000(f)(3)(ii)(B) refers includes, but is not limited to refers to, but is not limited to, construction in an ecologically sensitive area, such as microwave station construction in a national park, and the installation of submarine cable."

fi) In Section 32.2000(f)(7), insert "Accounting Manager Chief Accountant of the" before "Commission".

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gj) To Section 32.2000(g)(2)(ii), add the following:

"After a carrier files a petition pursuant to 83 Ill. Adm. Code 200 for approval of a depreciation rate, the Commission shall consider such factors as asset useful life, obsolescence (both ordinary and extraordinary), inadequacy of the asset, tax effects, interstate settlement effects, and the economic effects on ratepayers."

k) ~~In Section 32.2000(g)(5), delete "this" from the first sentence and substitute "the Chief Accountant of the."~~

hl) In Section 32.2000(h)(1), delete "Unless otherwise provided by this Commission, either through approval, or upon prescription by this Commission."

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.2002 Account 2002 Property held for future telecommunications use

In Section 32.2002(a), delete the following from the second sentence, "and report those amounts in reports filed with the Commission pursuant to 43.21(e)(1) and 43.21(e)(2) of this chapter".

a) ~~In Section 32.2002(b), delete "this" from the first sentence and substitute "the Chief Accountant of the."~~

b) ~~In Section 32.2002(b), delete "should" from the second sentence and substitute "shall."~~

e) ~~In Section 32.2002(b), after the last sentence, add the following:~~

~~The Chief Accountant shall approve the requested retention period if the property item is necessary for future service obligations, if the current operations do not require the investment, or if the projected period of operating need of the investment had been extended.~~

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.2003 Account 2003 Telecommunications plant under construction

In Section 32.2003 (c), delete the following phrase from the first sentence, "and report those amounts in reports filed with the Commission pursuant to 43.21(e)(1) and 43.21(e)(2) of this chapter".

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(Source: Added at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.2231 Account 2231 Radio system (Repealed)

~~In Section 32.2231(c)(2), delete the second sentence.~~

(Source: Repealed at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.2232 Account 2232 Circuit equipment

In Section 32.2232(f), delete “part 43” and replace with “Section 5-109” and delete “this Commission’s Rules and Regulations” and replace with “the Public Utilities Act [220 ILCS 5/5-109]”.

~~In Section 32.2232(f)c, delete the second sentence.~~

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.2690 Account 2690 Intangibles

In Section 32.2690(gf), delete “taxes” and substitute “fees:”.

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.4000 Account 4000 Current accounts and notes payable

In Section 32.4000(d), delete “part 43” and replace with “Section 5-109” and delete “this Commission’s Rules and Regulations” and replace with “the Public Utilities Act [220 ILCS 5/5-109]”.

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.4010 Account 4010 Accounts payable (Repealed)

~~In Section 32.4010(b), delete the second sentence.~~

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.4020 Account 4020 Notes payable (Repealed)

~~In Section 32.4020(b), delete the second sentence.~~

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(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.4100 Net current deferred operating income taxes

In Section 32.4100(e), delete “part 43” and replace with “Section 5-109” and delete “this Commission’s Rules and Regulations” and replace with “the Public Utilities Act [220 ILCS 5/5-109]”.

~~In Section 32.4100(e), delete the second sentence.~~

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.4110 Account 4110 Net current deferred nonoperating income taxes

In Section 32.4110(h), delete “part 43” and replace with “Section 5-109” and delete “this Commission’s Rules and Regulations” and replace with “the Public Utilities Act [220 ILCS 5/5-109]”.

~~In Section 32.4110(h), delete the second sentence.~~

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.4350 Account 4350 Net noncurrent deferred nonoperating income taxes

In Section 32.4350(h), delete “part 43” and replace with “Section 5-109” and delete “this Commission’s Rules and Regulations” and replace with “the Public Utilities Act [220 ILCS 5/5-109]”.

~~In Section 32.4350(h), delete the second sentence.~~

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.4999 General Revenue Accounts

- a) In Section 32.4999(f)(1), delete the first sentence and substitute the following:

Subsidiary record categories shall be maintained in order that the company may separately report revenues derived from charges imposed under intra-state tariffs which are to be segregated as to noncompetitive and competitive in the subsidiary record categories.

- b) In Section 32.4999(f)(1), delete the second sentence.

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- c) In Section 32.4999(g)(4), add the following:

The Commission shall order subsidiary record categories when such record categories are necessary to provide an accurate base for decision-making, such as the requirement for segregation of revenues by taxing district.

- d) In Section 32.4999(1), delete “Commission-approved” and replace with “Illinois”.

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.5003 Account 5003 Cellular mobile revenue

Section 32.5003 is deleted in its entirety.

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.5082 Account 5082 Switched access revenue

In Section 32.5082(b), delete “part 43” and replace with “Section 5-109” and delete “this Commission’s Rules and Regulations” and replace with “the Public Utilities Act [220 ILCS 5/5-109]”.

~~In Section 32.5082(b), delete the second sentence.~~

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.5083 Account 5083 Special access revenue

In Section 32.5083(b), delete “part 43” and replace with “Section 5-109” and delete “this Commission’s Rules and Regulations” and replace with “the Public Utilities Act [220 ILCS 5/5-109]”.

~~In Section 32.5083(b), delete the second sentence.~~

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.5200 Account 5200 Miscellaneous revenue

In Section 32.5200(a)(1), add the following sentence: Subsidiary record categories shall be maintained in order that the company may separately report the amounts contained herein that relate to directory revenues.

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(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.5999 General - Expense accounts (Repealed)

- a) ~~In Section 32.5999(f)(5), delete “to accomplish substantially the same results, provided that within 30 days of the opening of such accounts, companies shall notify the Commission of the nature and purpose thereof.”~~
- b) ~~In Section 32.5999(f)(5), delete “with” and substitute “without” in the fourth sentence.~~

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.6540 Account 6540 Access expense

In Section 32.6540(b), delete “part 43” and replace with “Section 5-109” and delete “this Commission’s Rules and Regulations” and replace with “the Public Utilities Act [220 ILCS 5/5-109]”.

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.6620 Account 6620 Services

Delete all of Section 32.6620 and substitute the following:

"This account number shall be used by Class A telephone companies to summarize for reporting purposes the contents of Accounts 6621 through 6623. Class B telephone companies shall use this account for expenses of the type and character required of Class A companies in Accounts 6621 through 6623."

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.6720 Account 6720 General and administrative

In Section 32.6720, add the following sentence:

"Subsidiary record categories shall be maintained in order that the company may separately report the amounts contained herein that relate to:

- a) Executive and planning;
- b) Executive;

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- c) Planning;
- d) Accounting and finance;
- e) External relations;
- f) Human resources;
- g) Information management;
- h) Legal;
- i) Procurement;
- j) Research and development; and
- k) Other general and administrative."

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.7250 Account 7250 Provision for deferred operating income taxes - net

In Section 32.7250(b), delete "part 43" and replace with "Section 5-109" and delete "this Commission's Rules and Regulations" and replace with "the Public Utilities Act [220 ILCS 5/5-109]".

~~In Section 32.7250(b), delete the second sentence.~~

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

Section 710.7400 Account 7400 Nonoperating taxes

In Section 32.7400(j), delete "part 43" and replace with "Section 5-109" and delete "this Commission's Rules and Regulations" and replace with "the Public Utilities Act [220 ILCS 5/5-109]".

(Source: Amended at 27 Ill. Reg. 13360, effective August 1, 2003)

ENVIRONMENTAL PROTECTION AGENCY

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- 1) Heading of Part: Procedure for Issuing Grants from the Anti-Pollution Bond Act for Sewage Treatment Works
- 2) Code Citation: 35 Ill. Adm. Code 363
- 3) Section Number: Proposed Action:

363.205	Amendment
363.801	New Section
363.802	New Section
363.803	New Section
363.804	New Section
- 4) Statutory Authority: 30 ILCS 750/1-3 (2000) and 415 ILCS 5/4 (2000)
- 5) Effective Date of Amendments: July 25, 2003
- 6) Does this rulemaking contain an automatic repeal date? ___ Yes X No
- 7) Does this proposed amendment contain incorporations by reference? ___ Yes X No
- 8) A statement that a copy of the adopted amendment, including any material incorporated, is on file in the agency's principal office and is available for public inspection.

A copy of the adopted amendments was placed on file in the Illinois EPA's principal office in Springfield on July 24, 2003 and is available for public inspection.
- 9) Notice of Proposed Amendments Published in the Illinois Register:

December 20, 2002, 26 Ill. Reg. 17902 (Issue 51).
- 10) Has JCAR issued a Statement of Objections to these amendments?: ___ Yes X No
- 11) Differences between proposal and final version:

There are no substantive differences between the proposed and adopted amendments. The word "sanitary" was deleted from lines 128 and 163.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?:

X Yes ___ No

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13) Will these amendments replace an emergency amendment currently in effect?

Yes No

14) Are there any other amendments pending on this part?

Yes No

15) Summary and Purpose of Amendments:

These Amendments are being adopted in order to implement the distribution of wastewater compliance grants from the Build Illinois Bond Fund to units of local government under the Unsewered Communities Grants Program. In order to be eligible for up to 5 million dollars of the approximately 70 million dollars in available grant funds, the applicant must be a municipality or sanitary district established on or before the date the Build Illinois Program was adopted (July 1, 1988), have entered into an enforceable compliance schedule and lack a sewer system.

16) Information and questions regarding these adopted amendments shall be directed to:

Deborah J. Williams, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 363

PROCEDURE FOR ISSUING GRANTS FROM THE ANTI-POLLUTION BOND ACT AND
THE BUILD ILLINOIS ACT FOR SEWAGE TREATMENT WORKS

SUBPART A: INTRODUCTION

Section

- 363.101 Purpose
- 363.102 Definitions

SUBPART B: GENERAL CRITERIA

Section

- 363.201 Relationship to Title II Grants
- 363.202 Reimbursement
- 363.203 Allocation of Grant Funds
- 363.204 Supplemental Grants
- 363.205 Required Content and Filing of Applications for Bond Act Grants
- 363.206 Limitations Upon Grants for Collection Systems
- 363.207 State Owned Facilities

SUBPART C: STANDARD PRIORITY PROJECT GRANTS

Section

- 363.301 Project Priority Requirement
- 363.302 Consolidation of Priorities

SUBPART D: HEALTH RISK GRANTS

Section

- 363.401 Determination of Health Risk
- 363.402 Priorities for Issuance

SUBPART E: REGIONALIZATION PROJECT GRANTS

Section

- 363.501 Availability of Funding

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363.502 Priorities for Issuance

SUBPART F: BACKLOG PROJECT GRANTS

Section

- 363.601 Availability of Funding
- 363.602 State/Federal Piggyback Grants
- 363.603 State Reimbursement Grants

SUBPART G: BUILD ILLINOIS BOND FUND GRANTS

Section

- 363.701 Availability of Funding
- 363.702 Build Illinois Bond Fund Grants
- 363.703 Supplemental State/Federal Piggyback Grants
- 363.704 Supplemental State Reimbursement Grants
- 363.705 Supplemental Build Illinois Bond Fund Grants

SUBPART H: UNSEWERED COMMUNITIES GRANTSSection

- 363.801 Applicability
- 363.802 Eligibility
- 363.803 Grant Percentage and Design Grants
- 363.804 Limitations

AUTHORITY: Implementing and authorized by Section 4 of the Anti-Pollution Bond Act [30 ILCS 405/4], Section 1-3 of the Build Illinois Act [30 ILCS 750/1-3] and Section 4 of the Environmental Protection Act [415 ILCS 5/4].

SOURCE: Adopted and codified at 8 Ill. Reg. 15914, effective August 17, 1984; amended at 9 Ill. Reg. 3951, effective March 15, 1985; amended at 10 Ill. Reg. 216, effective December 20, 1985; amended at 27 Ill. Reg. 13421, effective July 25, 2003.

SUBPART B: GENERAL CRITERIA

Section 363.205 Required Content and Filing of Applications for Bond Act Grants

- a) Bond Act grants will be made only for the funding of eligible project costs which comply with the requirements of 40 CFR 35 Subpart I Appendix A and B (1984); as published on February 17, 1984, in the Federal Register (as amended at 55 Fed.

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Reg. 27098, June 29, 1990. No later editions are included in the incorporation.

- b) Any of the requirements of 40 CFR 35 Subpart I (1984), except facilities planning, sewer system evaluation, user charges, sewer use ordinance, and initiation of construction may be waived in writing by the Agency, in whole or in part, if the purpose of the requirement has been accomplished or if the requirement waived is not considered by the Agency to be necessary to assure that the project attains pollution control goals in a cost-effective manner.
- c) Bond Act grants will not be offered for any project unless a complete application for the project is filed prior to the filing deadline and unless the Agency has entered the project on the priority list for the fiscal year in which the grant is requested as determined by Agency Rules entitled "Procedures and Requirements for Determining Construction Grant Priorities for Municipal Sewage Treatment Works Needs." (35 Ill. Adm. Code 364).
- d) Any of the requirements of Subpart H of this Part, except Sections 363.802(c), 363.803(a), and 363.803(b)(2) and any provisions of Part 360 or Part 365 (as applicable) that may not be waived pursuant to those Parts, may be waived in writing by the Agency, in whole or in part, if the purpose of the requirement has been accomplished or if the requirement is not considered by the Agency to be necessary to assure that the project attains the goals of the Unsewered Communities Grant Program.

(Source: Amended at 27 Ill. Reg. 13421, effective July 25, 2003)

SUBPART H: UNSEWERED COMMUNITIES GRANTSSection 363.801 Applicability

- a) All projects receiving unsewered communities grants pursuant to this Subpart must comply with the requirements of 35 Ill. Adm. Code Part 360 (General Conditions of State of Illinois Grants under the Anti-Pollution Bond Act of 1970).
- b) For projects receiving unsewered communities grants pursuant to this Subpart that also receive a Water Pollution Control Loan Program loan, compliance with 35 Ill. Adm. Code Part 365 (Procedures for Issuing Loans from the Water Pollution Control Loan Program) will satisfy the requirements of Part 360.

(Source: Added at 27 Ill. Reg. 13421, effective July 25, 2003)

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Section 363.802 Eligibility

A unit of local government is eligible for an unsewered communities grant if it has met all of the following requirements:

- a) it is a municipality as defined in Article VII, Section 1 of the Illinois Constitution and was incorporated on or before July 1, 1988 or a Sanitary District established on or before July 1, 1988 under the Sanitary District Acts of 1917 [70 ILCS 2405] or 1936 [70 ILCS 2805];
- b) it lacks a permitted sewerage system;
- c) it is on an enforceable compliance schedule as defined in 35 Ill. Adm. Code 366.102(b); and
- d) it has submitted a pre-application to be scored in accordance with 35 Ill. Adm. Code 366 and appears on the current fiscal year priority list.

(Source: Added at 27 Ill. Reg. 13421, effective July 25, 2003)

Section 363.803 Grant Percentage and Design Grantsa) Grant Percentage

Communities receiving grants under the unsewered communities grant program will be eligible to receive grants of between 10 and 70 % of eligible project costs depending on the relationship between the community's median household income (MHI) to the statewide MHI based on the latest census as incorporated by reference at 35 Ill. Adm. Code 366.103. The following table lists the percentage of eligible project costs that may be provided to an applicant based on the applicant's MHI percentage above or below the statewide MHI:

<u>State MHI</u>	<u>Grant Percentage</u>
<u>80% and below</u>	<u>70%</u>
<u>81%</u>	<u>69%</u>
<u>82%</u>	<u>68%</u>
<u>83%</u>	<u>67%</u>
<u>84%</u>	<u>66%</u>
<u>85%</u>	<u>65%</u>
<u>86%</u>	<u>64%</u>

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<u>87%</u>	<u>63%</u>
<u>88%</u>	<u>62%</u>
<u>89%</u>	<u>61%</u>
<u>90%</u>	<u>60%</u>
<u>91%</u>	<u>59%</u>
<u>92%</u>	<u>58%</u>
<u>93%</u>	<u>57%</u>
<u>94%</u>	<u>56%</u>
<u>95%</u>	<u>55%</u>
<u>96%</u>	<u>54%</u>
<u>97%</u>	<u>53%</u>
<u>98%</u>	<u>52%</u>
<u>99%</u>	<u>51%</u>
<u>100%</u>	<u>50%</u>
<u>101%</u>	<u>49%</u>
<u>102%</u>	<u>48%</u>
<u>103%</u>	<u>47%</u>
<u>104%</u>	<u>46%</u>
<u>105%</u>	<u>45%</u>
<u>106%</u>	<u>44%</u>
<u>107%</u>	<u>43%</u>
<u>108%</u>	<u>42%</u>
<u>109%</u>	<u>41%</u>
<u>110%</u>	<u>40%</u>
<u>111%</u>	<u>39%</u>
<u>112%</u>	<u>38%</u>
<u>113%</u>	<u>37%</u>
<u>114%</u>	<u>36%</u>
<u>115%</u>	<u>35%</u>
<u>116%</u>	<u>34%</u>
<u>117%</u>	<u>33%</u>
<u>118%</u>	<u>32%</u>
<u>119%</u>	<u>31%</u>
<u>120%</u>	<u>30%</u>
<u>121%</u>	<u>29%</u>
<u>122%</u>	<u>28%</u>
<u>123%</u>	<u>27%</u>
<u>124%</u>	<u>26%</u>
<u>125%</u>	<u>25%</u>
<u>126%</u>	<u>24%</u>

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<u>127%</u>	<u>23%</u>
<u>128%</u>	<u>22%</u>
<u>129%</u>	<u>21%</u>
<u>130%</u>	<u>20%</u>
<u>131%</u>	<u>19%</u>
<u>132%</u>	<u>18%</u>
<u>133%</u>	<u>17%</u>
<u>134%</u>	<u>16%</u>
<u>135%</u>	<u>15%</u>
<u>136%</u>	<u>14%</u>
<u>137%</u>	<u>13%</u>
<u>138%</u>	<u>12%</u>
<u>139%</u>	<u>11%</u>
<u>140% or above</u>	<u>10%</u>

b) Design Grants

- 1) Design grants may be made upon submission of an approved facilities plan pursuant to 35 Ill. Adm. Code Part 365 and an architectural/engineering agreement for design services.
- 2) An applicant will be eligible for a design grant of between 10 and 70% of the architectural/engineering agreement for design services depending on the relationship between the community's MHI and the state-wide MHI as provided in subsection (a) of this Section.
- 3) An applicant may elect to receive a design grant prior to the start of design or as a reimbursement at the start of construction.

(Source: Added at 27 Ill. Reg. 13421, effective July 25, 2003)

Section 363.804 Limitations

- a) Grant participation for sewers shall be limited to sewers necessary to cost-effectively serve buildings in existence on July 1, 2001.
- b) The maximum amount of grant assistance is \$5 million for any one applicant on a cumulative basis.
- c) The maximum percentage of grant assistance from all available sources is 85% of eligible project costs. The maximum financial assistance from all sources

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including grants and loans cannot exceed 100%.

(Source: Added at 27 Ill. Reg. 13421, effective July 25, 2003)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works
- 2) Code Citation: 35 Ill. Adm. Code 366
- 3) Section Number: Proposed Action:
366.102 Amendment
366.103 Amendment
366.401 Amendment
366.402 Amendment
366.403 Amendment
366.406 New Section
- 4) Statutory Authority 30 ILCS 750/1-3 (2000) and 415 ILCS 5/4 (2000)
- 5) Effective Date of Amendments: July 25, 2003
- 6) Does this rulemaking contain an automatic repeal date?
 Yes No
- 7) Do these amendments contain incorporations by reference?
 Yes No
- 8) A statement that a copy of the adopted amendment, including any material incorporated, is on file in the agency's principal office and is available for public inspection.

A copy of the adopted amendments was placed on file in the Illinois EPA's principal office in Springfield on July 24, 2003 and is available for public inspection.
- 9) Notice of Proposed Amendments Published in the Illinois Register:

December 20, 2002, 26 Ill. Reg. 17910 (Issue 51).
- 10) Has JCAR issued a Statement of Objections to these amendments?:

 Yes No
- 11) Differences between proposal and final version:

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There are no substantive differences between the proposed and adopted amendments. Underlining was added to “the” in line 48; “B2 above” was changed to “Section 366.303 of this Part” in lines 194 and 197; and “A2” above was changed to “Section 366.203 of this Part” in line 196.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?:

X Yes ___ No

- 13) Will these amendments replace an emergency amendment currently in effect?

___ Yes X No

- 14) Are there any other amendments pending on this part?

___ Yes X No

- 15) Summary and Purpose of Amendments:

These Amendments are proposed in order to implement the distribution of wastewater compliance grants from the Build Illinois Bond Fund to units of local government under the Unsewered Communities Grants Program. In order to be eligible for up to 5 million dollars of the approximately 70 million dollars in available grant funds, an applicant must be a municipality or sanitary district established on or before the date the Build Illinois Program was adopted (July 1, 1988), have entered into an enforceable compliance schedule and lack a sewer system.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Deborah J. Williams, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 366
PROCEDURES AND REQUIREMENTS FOR
DETERMINING LOAN PRIORITIES FOR MUNICIPAL WASTEWATER
TREATMENT WORKS

SUBPART A: INTRODUCTION

Section	
366.101	Purpose
366.102	Definitions
366.103	Incorporations by Reference
366.104	Priority System and Project Priority List
366.105	Funding Allocations
366.106	Pre-applications
366.107	Facility Planning

SUBPART B: PROCEDURE FOR CALCULATING THE LOAN PRIORITY
INDEX OF SERVICE CONTINUATION PROJECTS

Section	
366.201	Formula for Computing the Loan Priority Index for Service Continuation Projects
366.202	A1 Factor (Financial Impact)
366.203	A2 Factor (Water Quality)
366.204	A3 Factor (Organic Load)
366.205	A4 Factor (Assessment of Existing Facilities)
366.206	A5 Factor (Operational Excellence)

SUBPART C: PROCEDURE FOR CALCULATING THE LOAN
PRIORITY INDEX OF SERVICE EXPANSION PROJECTS

Section	
366.301	Formula for Computing the Loan Priority Index for Service Expansion Projects
366.302	B1 Factor (Financial Impact)
366.303	B2 Factor (Water Quality)
366.304	B3 Factor (Economic Benefit)
366.305	B4 Factor (Existing Utilization)

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- 366.306 B5 Factor (Operational Excellence)
366.307 B6 Factor (Health Hazard)

SUBPART D: PROCEDURE FOR CALCULATING THE LOAN
PRIORITY INDEX FOR NEW SERVICE PROJECTS

Section

- 366.401 Formula for Computing the Loan Priority Index for New Service Projects
366.402 C1 Factor (Financial Impact)
366.403 C2 Factor (Water Quality)
366.404 C3 Factor (Organic Load)
366.405 C4 Factor (Health Hazard)
366.406 C5 Factor (Enforceable Schedule)

SUBPART E: PROCEDURE FOR CALCULATING THE LOAN
PRIORITY INDEX FOR COMBINED SEWER SERVICE PROJECTS

Section

- 366.501 Formula for Computing the Loan Priority Index for Combined Sewer Projects
366.502 D1 Factor (Financial Impact)
366.503 D2 Factor (Drainage Area)
366.504 D3 Factor (Flooding Frequency)
366.505 D4 Factor (Basement Backups)
366.506 D5 Factor (Percentage of Basements Affected)

SUBPART F: PROCEDURE FOR APPLICATION OF SCORING CONVENTIONS

Section

- 366.601 Scoring Conventions
- 366.APPENDIX A Waterbody Specific Information
366.APPENDIX B Service Continuation A4 Factor Scoring Review Sheet
366.APPENDIX C Excellence of Operation Scoring Review Sheet ~~for~~ For Local Government
Units That Own Wastewater Treatment Facilities
366.APPENDIX D Excellence of Operation Scoring Review Sheet ~~for~~ For Local Government
Units That Own Only Wastewater Collection Facilities

AUTHORITY: Implementing and authorized by Sections 19.1 through 19.8 of the
Environmental Protection Act [415 ILCS 5/19.1-19.8]

SOURCE: Adopted at 14 Ill. Reg. 8121, effective May 14, 1990; amended at 20 Ill. Reg. 15598,

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effective November 26, 1996; amended at 27 Ill. Reg. 13430, effective July 25, 2003.

SUBPART A: INTRODUCTION

Section 366.102 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act [415 ILCS 5], the Federal Clean Water Act (33 ~~USC~~~~U.S.C.~~ 1281 et seq.) and regulations adopted under these Acts, including 35 Ill. Adm. Code 365.

- b) For purposes of these rules, the following definitions apply:

"Agency" -- Illinois Environmental Protection Agency.

"Combined Sewer Service Projects" -- Projects constructed in a combined sewer service area which are intended to reduce or eliminate street, area and basement flooding.

"Enforceable Schedule" -- A Court or Illinois Pollution Control Board order requiring wastewater collection and treatment by date certain, or a Compliance Commitment Agreement entered into by a community and the Agency pursuant to Section 31 of the Environmental Protection Act [415 ILCS 5/31].

"Fund" -- The Water Pollution Control Revolving Fund as authorized by P.A. 85-1135, effective September 1, 1988.

"Intended Use Plan" -- A plan which includes a description of the short and long term goals and objectives of the Fund, project categories, discharge requirements, terms of financial assistance and the communities to be served.

"Monitoring Reports" -- Reports submitted in response to permits issued under the authority of the Federal Clean Water Act (33 ~~USC~~~~U.S.C.~~ 1281 et seq.), the Environmental Protection Act [415 ILCS 5], and regulations adopted under these Acts, including discharge (NPDES) permits and State operating permits.

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"New Service Project" -- Projects which will provide wastewater collection, transportation or treatment for an unsewered local government unit.

"P.E. BOD" -- A term used to evaluate the impact of industrial or other waste on a treatment works or streams in terms of five day biochemical oxygen demand. One P.E. BOD equals 0.17 pounds (77g).

"Permits" -- National Pollutant Discharge Elimination System (NPDES) permits and State operating permits as described in 35 Ill. Adm. Code 309.

"Priority System" -- A methodology used to rank projects for inclusion on the project priority list.

"Project Priority List" -- An ordered listing of projects which the Agency has determined are eligible to receive financial assistance from the Fund.

"Service Continuation Project" -- Projects for the improvement, upgrade, rehabilitation, renovation, and/or replacement of wastewater treatment works.

"Service Expansion Project" -- Projects to expand capacity of existing wastewater treatment works.

"Title VI" -- Title VI of the Federal Clean Water Act (33 USC U.S.C. 1281 et seq.).

"USEPA Reach File" -- Hydrologic Nomenclature System developed by USEPA to identify and locate specific waterbodies.

(Source: Amended at 27 Ill. Reg. 13430, effective July 25, 2003)

Section 366.103 Incorporations by Reference

U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census: 2000~~1990~~ Census of Population and Housing: Profile of Selected Economic Characteristics~~Summary Social, Economic, and Housing Characteristics~~, Illinois, Table DP-340, 2000~~1990~~ CPH 5-15, available at <http://censtats.census.gov/pub/Profiles.shtml> (no later editions or amendments).

(Source: Amended at 27 Ill. Reg. 13430, effective July 25, 2003)

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SUBPART D: PROCEDURE FOR CALCULATING THE LOAN
PRIORITY INDEX FOR NEW SERVICE PROJECTS

Section 366.401 Formula for Computing the Loan Priority Index for New Service Projects

The Loan Priority Index (LPI) for new service projects is a number that is the product of 5 ~~four~~ factors. The LPI is calculated as follows: $C1 \times C2 \times C3 \times C4 \times C5 = LPI$.

(Source: Amended at 27 Ill. Reg. 13430, effective July 25, 2003)

Section 366.402 C1 Factor (Financial Impact)

C1 is a factor that adds points for applicants that have higher rates of unemployment (as provided by the Illinois Department of Employment Security) and includes points for Median Household Income and the Percentage of Persons in Poverty as determined by U.S. Census figures as incorporated by reference in Section 366.103 of this Part. The financial hardship factor is calculated by adding the sum of the three components from the following charts: addresses the financial ability of the unit of local government as in A1 above.

<u>Percentage of Statewide Median Household Income</u>	<u>Points</u>
<u>Below 80%</u>	<u>4.0</u>
<u>80% to 100%</u>	<u>3.0</u>
<u>Greater than 100% to 120%</u>	<u>2.0</u>
<u>Greater than 120%</u>	<u>1.0</u>

The percentage of unemployment above the State's average rate of unemployment:

<u>Percentage above State Rate</u>	<u>Points</u>
<u>0.1 – 2.0</u>	<u>1.0</u>
<u>2.1 – 4.0</u>	<u>2.0</u>
<u>4.1 – 6.0</u>	<u>3.0</u>
<u>6.1 and above</u>	<u>4.0</u>

The Percentage of Persons in Poverty from the latest U.S. Census as incorporated by reference in Section 366.103 of this Part:

<u>Percentage above the State Rate</u>	<u>Points</u>
--	---------------

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<u>5.0 – 12.0</u>	<u>1.0</u>
<u>12.1 – 19.0</u>	<u>2.0</u>
<u>19.1 – 25.0</u>	<u>3.0</u>
<u>25.1 and above</u>	<u>4.0</u>

(Source: Amended at 27 Ill. Reg. 13430, effective July 25, 2003)

Section 366.403 C2 Factor (Water Quality)

C2 is a factor representative of the existing receiving stream water quality as in Section 366.303 of this Part~~B2~~ above. For those projects that have demonstrated negative water quality impacts in the approved facilities planning conducted pursuant to 35 Ill. Adm. Code 365, the calculation procedure as in Section 366.203 of this Part will be used. In all others, the calculation as in Section 366.303 of this Part will be used.

(Source: Amended at 27 Ill. Reg. 13430, effective July 25, 2003)

Section 366.406 C5 Factor (Enforceable Schedule)

C5 is a factor that denotes that an enforceable schedule is in effect to construct the proposed project. The C5 factor is equal to 5.0.

(Source: Added at 27 Ill. Reg. 13430, effective July 25, 2003)

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- 1) Heading of the Part: Early Intervention Program
- 2) Code Citation: 89 Ill. Adm. Code 500
- 3) Section Numbers: Adopted Action:

500.20	Amended
500.45	Amended
500.65	Amended
500.70	Amended
500.150	Amended
- 4) Statutory Authority: Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997).
- 5) Effective Date of Amendments: July 24, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment 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: 27 Ill. Reg. 6494-4/18/03
- 10) Has JCAR Issued a Statement of Objection to this rulemaking? No
- 11) Difference(s) between proposal and final version:

There were no substantive changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Amendments have been proposed to ensure compliance with the security and privacy provisions of the federal Health Care Portability

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and Accountability Act.

- 16) Information and questions regarding this adopted rule shall be delivered to:

Ms. Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 785-9772

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER e: EARLY CHILDHOOD SERVICESPART 500
EARLY INTERVENTION PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

500.10	Purpose
500.15	Incorporation by Reference
500.20	Definitions

SUBPART B: COMPONENTS OF THE STATEWIDE SYSTEM

Section

500.25	Public Awareness and Child Find
500.30	Central Directory
500.35	Local Interagency Councils
500.40	Illinois Interagency Council on Early Intervention
500.45	Regional Intake Entities
500.50	Eligibility
500.55	Early Intervention Services/Devices
500.60	Provider Qualifications/Credentialing and Enrollment
500.65	Monitoring

SUBPART C: SERVICE DELIVERY REQUIREMENTS

Section

500.70	Intake
500.75	Eligibility Determination
500.80	Individualized Family Service Plan Development
500.85	Individualized Family Service Plan Implementation
500.90	Individualized Family Service Plan Updating
500.95	Case Transfer
500.100	Transition to Part B or Other Appropriate Services at Age Three
500.105	Case Closure
500.110	Recordkeeping
500.115	Service Provider Requirements

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SUBPART D: FINANCIAL MATTERS

Section

- 500.120 Billing Procedures
- 500.125 Payor of Last Resort
- 500.130 Family Fee/Insurance

SUBPART E: PROCEDURAL SAFEGUARDS/CLIENT RIGHTS

Section

- 500.135 Minimum Procedural Safeguards
 - 500.140 Administrative Resolution of Complaints By Parents
 - 500.145 Mediation
 - 500.150 Confidentiality/Privacy
 - 500.155 Right to Consent
 - 500.160 Surrogate Parents
 - 500.165 Written Prior Notice
 - 500.170 State Complaint Procedure
-
- 500.APPENDIX A Sliding Fee Schedule
 - 500.APPENDIX B Assessment Instruments
 - 500.APPENDIX C Requirements for Professional and Associate Level Early Intervention (EI) Credentialing and Enrollment to Bill
 - 500.APPENDIX D Use of Associate Level Providers
 - 500.APPENDIX E Medical Conditions Resulting in High Probability of Developmental Delay (not an exclusive list)

AUTHORITY: Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997).

SOURCE: Adopted at 25 Ill. Reg. 8190, effective July 1, 2001; amended at 27 Ill. Reg. 2611, effective February 7, 2003; amended at 27 Ill. Reg. 13438, effective July 24, 2003.

SUBPART A: GENERAL PROVISIONS

Section 500.20 Definitions

"Act" means the Early Intervention Services System Act [325 ILCS 20].

"Child find" means an activity that identifies potentially eligible infants and

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toddlers.

"Council" or "IICEI" means the Illinois Interagency Council on Early Intervention established under Section 4 of the Early Intervention Services System Act.

"Credential" means an official documentation from the Department's credentialing office that an individual has met pertinent licensing, degree, and certification requirements as set forth in Appendix C, as well as the applicable education, experience, continuing professional education, and ongoing professional development requirements as set forth in Section 500.60.

"Day", for purposes of this Part, means calendar day.

"Department" means the Illinois Department of Human Services.

"Early intervention services" or "EI services" means services that:

- are designed to meet the developmental needs of each child eligible under the Act and the needs of his or her family;

- are related to enhancing the child's development;

- are selected in collaboration with the child's family;

- are provided under public supervision;

- are provided at no cost except where a schedule of sliding scale fees or other system of payments by families has been adopted in accordance with State and federal law;

- are designed to meet an infant's or toddler's developmental needs in any of the following areas:

- cognitive development;

- physical development, including vision and hearing;

- language, speech and communication development;

- social-emotional development; or

- adaptive self-help skills development;

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meet the standards of this Part, including the requirements of the Act;

include one or more of the services set forth in Section 500.55;

are provided by qualified personnel, as set forth in Section 500.60;

are provided in conformity with an Individualized Family Service Plan;

are provided throughout the year; and

are provided to the maximum extent appropriate in natural environments, including the home and community settings that are natural or normal for the child's age peers who have no disability.

"Early Intervention Services System" or "System" means the system of service delivery described in this Part that implements Part C of IDEA in Illinois and the Illinois Early Intervention Services System Act.

"Eligible children" or "eligible child" means infants and toddlers under 36 months of age with any of the following conditions:

Developmental delay;

A physical or mental condition that typically results in developmental delay; or

At risk of having substantial developmental delays, according to informed clinical judgment.

"Developmental delay" means a Department determined eligible level of delay (30% and above) in one or more of the following areas of childhood development: cognitive; physical, including vision and hearing; language, speech and communication; social-emotional; or adaptive self-help skills, as measured by Department approved diagnostic instruments and standard procedures or as confirmed through informed clinical judgment of qualified staff based upon multidisciplinary evaluation and assessment if the child is unable to be appropriately and accurately tested by the standardized measures available.

"Physical or mental condition that typically results in developmental delay" means a medical diagnosis (see Appendix E) approved by the

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Department as an eligible condition or confirmed by a qualified family physician, pediatrician or pediatric sub-specialist as being a condition with a relatively well known expectancy for developmental outcomes within varying ranges of developmental disabilities. Pediatric subspecialists included are those such as pediatric neurologists, geneticists, pediatric orthopedic surgeons and pediatricians with special interest in disabilities.

"At risk of substantial developmental delay, according to informed clinical judgment" means that there is consensus of qualified staff based upon multidisciplinary evaluation and assessment that development of a Department determined eligible level of delay is probable if early intervention services are not provided, because a child is experiencing either:

a parent who has been medically diagnosed as having a severe disorder as set forth under axis I and axis II of the Diagnostic and Statistical Manual IV (DSM IV) (1994; American Psychiatric Association, 1400 K Street, NW, Washington, D.C. 20005) or a developmental disability; or

three or more of the following risk factors:

current alcohol or substance abuse by the primary caregiver;

primary caregiver who is currently less than 15 years of age;

current homelessness of the child;

chronic illness of the primary caregiver;

alcohol or substance abuse by the mother during pregnancy with the child;

primary caregiver with a level of education equal to or less than the 10th grade, unless that level is appropriate to the primary caregiver's age;

an indicated case of abuse or neglect regarding the child and the child has not been removed from the abuse or

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neglect circumstances.

Services for children determined to be "at risk" shall not be funded under Federal Part C funding, nor subject to its requirements, unless Part C funding for "at risk" services is requested by the lead agency.

"Enroll" means to enter into an agreement that establishes duties, expectations and relationships between the Department and the individual or agency provider that provides early intervention services to eligible children and their families. A provider must be enrolled to bill and receive payment for services from the Early Intervention Program.

"Evaluation/Assessment" or "Evaluation" means the initial and ongoing procedures used by appropriate qualified staff to determine:

a child's eligibility under this Part in accordance with the definition of "eligible infants and toddlers";

the child's status in each of the developmental areas set forth in "early intervention services";

the child's unique strengths and needs;

the services appropriate to meet those needs;

the resources, priorities, and concerns of the family; and

the supports and services necessary to enhance the family's capacity to meet the developmental needs of its infant or toddler with a disability.

"HIPAA" means the Health Insurance Portability and Accountability Act (42 USC 1320(d) et seq.) and the regulations promulgated thereunder at 45 CFR 160, 162 and 164 (Transaction, Privacy and Security).

"Individualized Family Service Plan" or "Plan" or "IFSP" means a written plan for providing early intervention services to an eligible child and the child's family, as set forth in Subpart C.

"Lead agency" means the State agency, as designated by the Governor and the Act, responsible for administering the Act and this Part in accordance with federal laws and rules. The Illinois Department of Human Services has been so

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designated.

"Local interagency agreement" means an agreement entered into by local community and State and regional agencies receiving early intervention funds directly from the State and made in accordance with State interagency agreements providing for the delivery of early intervention services within a local community area.

"Local interagency council" or "LIC" means a local advisory body established for each designated geographic intake region as set forth in Section 6 of the Early Intervention Services System Act.

"Local service area" means a local interagency council region.

"Multidisciplinary team", sometimes referred to as the IFSP team, means a group of people concerned with the developmental needs of the child, including the child's parent/guardian and service coordinator and members from pertinent disciplines involved in the provision of integrated and coordinated services, including evaluation and assessment activities, who determine appropriate EI services by consensus as set forth in this Part.

"Natural environment" means home and community settings that are natural or normal for the child's age peers who have no disability.

"Parents" means a parent, a guardian, a person acting as a parent of a child or a surrogate parent appointed as set forth in this Part.

"Part B" means Part B of the Individuals with Disabilities Education Act (20 USC 1400 et seq.) (IDEA) governing "Assistance for Education of All Children with Disabilities".

"Part C" means Part C of IDEA (20 USC 1400 et seq.) governing "Infants and Toddlers with Disabilities".

"Protected health information" means the health information governed by the HIPAA Privacy and Security regulations at 45 CFR 164.501.

"Regional intake entity" means the Department's designated entity responsible for implementation of the Early Intervention Services System within its designated geographic area as set forth in Section 500.45.

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"Transition" is the process of transferring eligible children receiving early intervention services under this Part out of such services to Part B services or to other appropriate developmental or educational services.

(Source: Amended at 27 Ill. Reg. 13438, effective July 24, 2003)

SUBPART B: COMPONENTS OF THE STATEWIDE SYSTEM

Section 500.45 Regional Intake Entities

The Department will assure the designation of regional intake points as necessary to accomplish consistent, System intake and service coordination throughout the State. The regional entity shall be the contracted entity responsible for implementation of the Early Intervention Services System within its designated ~~geographic~~ geographical area. The regional entity shall:

- a) Participate in public awareness and child find activities by disseminating information to primary referral sources and working with local interagency councils.
- b) Provide adequate accessible and secure space/facilities to store permanent early intervention records and to house staff.
- c) Select, train, and supervise qualified staff to carry out the following tasks within the System specified time frames:
 - 1) Receive referrals.
 - 2) Develop, maintain and process the permanent early intervention case record in accordance with policies set forth by the Department.
 - 3) Provide information about the Early Intervention Services System, including rights and procedural safeguards and available advocacy services, to families and initiate intake with parental consent.
 - 4) Coordinate EI and non-EI services for enrolled families.
 - 5) Ensure that eligibility is determined according to the Department's early intervention eligibility criteria.
 - 6) Comply with family fee policies and procedures as set by the Department.
 - 7) Develop the initial IFSP with the family, within 45 days after referral,

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consistent with requirements in this Part and federal regulations.

- 8) Monitor that the integrity of the IFSP process is maintained and completed through accurate, timely and complete implementation of the services as mutually determined and agreed to by the IFSP Team, and consented to in writing by the child's parent/guardian.
- 9) Monitor that the Part C funds are the "payor of last resort" to the extent allowed by law. This includes assistance in accessing resource supports, including but not limited to Medicaid (Title XIX), the State Child Health Insurance Program (Title XXI), the Division of Specialized Care for Children (Title V) and private insurance.
- 10) Assist the family in monitoring IFSP implementation and obtain updated documentation from service providers listed on the IFSP in accordance with this Part, communicating regularly with the family using a variety of face-to-face, telephone, written correspondence, and other methods, including team meetings, to ensure that the family is well informed and an active participant in the implementation of the IFSP.
- 11) Assure that IFSPs are reviewed at least every six months and updated annually.
- 12) Assure that transition planning, case transfer and case closure occur consistent with the requirements of this Part.
- 13) Be knowledgeable of and comply with all applicable federal and State laws, guidelines, procedures, rules, regulations, and executive orders applicable to its activities, including, but not limited to:
 - A) The Individuals with Disabilities Education Act (20 USC 1400 et seq.). The United States Department of Education regulations for the early intervention program for Infants and Toddlers with Disabilities (34 CFR 303) and the Illinois Early Intervention Services System Act.
 - B) The federal Family Education Rights and Privacy Act (FERPA) (20 USC 1232g, 1232h) and the United States Department of Education implementing regulations (34 CFR 99); the Illinois School Student Records Act [105 ILCS 10].

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- C) The Americans with Disabilities Act (42 USC 12131-12134).
- D) The Health Insurance Portability and Accountability Act (42 USC 1320 et seq., and the regulations promulgated thereunder at 45 CFR 160, 162 and 164 regarding transactions, privacy and security).
- d) Maintain a directory of non-EI financial resources and support services for use with families.
- e) Assist families in accessing non-EI financial resources and support services by making appropriate referrals while the child is enrolled with the Early Intervention Services System and at transition. Children found ineligible should be offered referrals for non-EI community resources prior to case closure.
- f) Maintain administrative and programmatic contact with all EI service providers in the service area.
- g) Participate in routine monitoring and technical assistance activities as required by the Department, including on-site monitoring, data collection and reporting obligations, record reviews, financial audits, complaint investigations, and consumer satisfaction surveys.
- h) Enroll as a "KidCare agent" in order to complete the KidCare application as authorized under Section 22 of the Children's Health Insurance Program Act.

(Source: Amended at 27 Ill. Reg. 13438, effective July 24, 2003)

Section 500.65 Monitoring

- a) The Department, or its designee, will conduct comprehensive on-site monitoring visits at the regional intake entities. Other visits may occur at any time. Desk reviews may also be performed and families may be interviewed. The regional intake entities shall help the Department in obtaining representative family interviews.
- b) The Department will prepare a written report of its findings that shall be sent to the regional intake entity. The report shall identify issues of non-compliance and may make recommendations about other areas of concern.
- c) The regional intake entity shall send a corrective action plan to the Department

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within 30 days after receipt of the report, proposing timelines for addressing each compliance issue.

- d) The Department will approve, within 14 days, the corrective action plan and timelines and may make follow-up visits as necessary to determine progress and compliance.
- e) If the corrective action plan is not acceptable to the Department, it may within 14 days provide a reasonable plan and timelines, and make follow-up visits as necessary to determine progress and compliance.
- f) In addition to any other rights the Department may have under contract with the regional intake entity the Department may suspend the contract, or withhold or suspend payments to the regional intake entity due to noncompliance with this Part and with Part C. Suspensions and holds may be lifted upon completion of, or demonstration of satisfactory progress towards, satisfactory corrective action. If an acceptable corrective action plan is not submitted in the required timeframe or the terms of the corrective action plan are not met by the provider, the Department may terminate the contract. This Section does not preclude the Department from exercising any rights it may have under its contract with the regional intake entity.
- g) The Department may also visit and review records of individual providers within the area to assure compliance with applicable laws, regulations and Service Provider Agreements. Visits may occur at any time.
- h) The monitoring team may also submit written reports to individual providers regarding provider non-compliance and issues of concern.
- i) Providers receiving such reports shall submit a corrective action plan within 30 days proposing timelines for addressing issues of compliance. The Department shall follow subsections (d) and (e) if necessary regarding the provider.
- j) In addition to other rights the Department may have, it may terminate its Service Provider Agreement with a provider due to non-compliance with this Part, and arrange for the provision of services to eligible children by other providers. This Section does not preclude the Department from exercising any rights it may have under the Service Provider Agreement.
- k) The time frames set forth in this Section shall not preclude the Department from taking action immediately, if necessary, to protect the public interest, safety and welfare or to prevent ongoing violation of federal and State laws or threat of such

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violation. Nothing contained in this Section shall preclude the Department from taking action even if the provider is taking or has taken corrective action.

(Source: Amended at 27 Ill. Reg. 13438, effective July 24, 2003)

SUBPART C: SERVICE DELIVERY REQUIREMENTS

Section 500.70 Intake

- a) Upon receiving a referral, regional intake entities shall ensure that evaluation, eligibility determination, assessments in all five developmental domains as set forth in Section 500.75(a)(3), and development of the initial Individualized Family Service Plan are completed with the family within 45 calendar days. The 45 day intake period can be extended by documented family request. Service coordination, evaluation/assessment, eligibility determination and Individualized Family Service Plan development, review and updating and procedural safeguards shall be provided at no cost to families.
- b) Regional intake entities shall provide service coordination for each family.
- c) The service coordinator shall request appointment of a surrogate parent upon referral and prior to evaluation of a child who would not otherwise have parental representation, as set forth in Section 500.160.
- d) The service coordinator shall provide the family with orientation to the Illinois Early Intervention Services System, shall inform the child's parents of their rights and shall give 10 days written prior notice whenever the Department or service providers propose or refuse to initiate or change the identification, evaluation, or placement of the child or the provision of early intervention services.
- e) Upon receipt of informed consent from the child's parent, the service coordinator shall proceed with initial intake activities that shall include:
 - 1) Establishment of the child's permanent and electronic record with the regional intake entity;
 - 2) Completion of Department required intake forms;
 - 3) Request of existing records regarding the child's need for services; and
 - 4) Review of existing records to identify whether additional information is

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needed to determine if the child meets federal and State established eligibility criteria.

- f) The parent shall also be provided with notice regarding the uses and disclosures of HIPAA protected health information that will be collected and maintained for service delivery, and the rights provided by HIPAA with respect to that information, as set forth in 45 CFR 164.520.

(Source: Amended at 27 Ill. Reg. 13438, effective July 24, 2003)

SUBPART E: PROCEDURAL SAFEGUARDS/CLIENT RIGHTS

Section 500.150 Confidentiality/Privacy

- a) As used in this Section:
- 1) "Destruction" means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
 - 2) "Records" means the type of records covered under the definition of education records in 34 CFR 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974).
 - 3) "Participating agency" means any local service provider, service coordinator and regional intake entity that collects, maintains, or uses personally identifiable information, or from which information is obtained, under this Part.
- b) Access rights:
- 1) Each participating agency shall permit parents to inspect and review any records relating to their children that are collected, maintained, or used by the agency under this Part (including records relating to evaluations/assessments, eligibility determinations, development and implementation of IFSPs, individual complaints dealing with the eligible child, and any other area under this Part involving records about the child and the child's family). The agency shall comply with a request without unnecessary delay and before any meeting regarding an IFSP or any hearing relating to the identification, evaluation, or placement of the child, or the provision of early intervention services to the child, and in no case

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more than 45 days after the request has been made (consistent with 34 CFR 99.10(b)). If the information is protected health information under HIPAA, the agency shall comply with the request within 30 days if the information is accessible on site, and within 45 days if it is not accessible on site.

- 2) The right to inspect and review records under this Section includes:
 - A) The right to a response from the local service provider to reasonable requests for explanations and interpretations of the records;
 - B) The right to request copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
 - C) The right to have a representative of the parent inspect and review the records.
- 3) A participating agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.
- 4) The agency shall also comply with the provisions regarding access of HIPAA protected health information as set forth in 45 CFR 164.524, particularly provisions regarding grounds for denial, reviewability of denial, notice of denial, required review by a licensed health care professional, and notice and existence of a complaint procedure.

c) Record of access/Accounting of disclosure

Each participating agency shall keep a record of parties obtaining access to records collected, maintained, or used under this Part (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. At the parent's request, each participating agency shall also provide an accounting of disclosures of a child's HIPAA protected health information that have been made in the past six years, as required in 45 CFR

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164.528 (exceptions are provided in Section 164.528 for various disclosures).

d) Records on more than one child

If any record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

e) List of types and locations of information

Each participating agency shall provide parents on request a list of the types and locations of records collected, maintained, or used by the agency.

f) Fees

- 1) Each participating agency may charge a fee for copies of records that are made for parents under this Part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.
- 2) A participating agency may not charge a fee to search for or to retrieve information under this Part.

g) Amendment of records at parent's request

- 1) A parent who believes that information in the records collected, maintained, or used under this Part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information.
- 2) The agency shall decide whether to amend the information in accordance with the request within 60 days after its receipt of the request. ~~If the agency is unable to act on the request within 60 days, the agency may extend the time for its response by no more than 30 days, provided that the agency, within 60 days after its receipt of the request, provides the individual with a written statement of the reasons for the delay and the date by which the agency will complete its action on the request.~~
- 3) If the agency decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal, and advise the parent of his or her right to a hearing as set forth in subsection (h).

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- 4) The agency shall also comply with the provisions regarding amendments of HIPAA protected health information as set forth in 45 CFR 164.526, particularly the provision regarding denial and regarding notice and provision of a complaint procedure.
- h) Hearing regarding records
- 1) A participating agency shall give the parent an opportunity for a hearing to challenge the content of the agency's records on the grounds that the information in the records is inaccurate, misleading or in violation of privacy rights of the child.
 - 2) The participating agency that generated the record at issue shall hold a hearing within a reasonable time after it has received a hearing request.
 - 3) The participating agency shall give the parent notice of the date, time and place reasonably in advance of the hearing.
 - 4) The hearing may be conducted by an individual, including an official of the participating agency, who does not have a direct interest in the outcome of the hearing.
 - 5) The participating agency shall give the parent a full and fair opportunity to present evidence relevant to the grounds of challenge to the records.
 - 6) The parent may at his/her own expense be assisted or represented by one or more individuals of choice, including an attorney.
 - 7) The participating agency shall make its decision within a reasonable time after the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reason for the decision.
 - 8) If the decision of the agency is that the information challenged is inaccurate, misleading or in violation of the child's privacy rights, the participating agency shall:
 - A) amend the record accordingly; and
 - B) inform the parent of the amendment in writing.

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- 9) If the decision is that the challenged information is not inaccurate, misleading or in violation of privacy rights, the participating agency shall inform the parent of the right to place a statement in the record commenting on the contested information and stating why he or she disagrees with the decision.
- 10) If a statement is placed in the record pursuant to subsection (h)(9), the participating agency shall:
 - A) maintain the statement with the contested part of the record for as long as the record is maintained;
 - B) disclose the statement whenever it discloses the contested part of the record; and
 - C) at the parent's written request, disclose the statement to individuals to whom the contested part of the record was previously sent.
- i) Safeguards:
 - 1) Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
 - 2) Each agency shall require one official to assume responsibility for ensuring the confidentiality of the information.
 - 3) All persons collecting or using the information shall be trained regarding confidentiality requirements.
 - 4) Each participating agency shall maintain, for public inspection, a current listing of those employees having access to the information.

(Source: Amended at 27 Ill. Reg. 13438, effective July 24, 2003)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Ambulatory Surgical Treatment Center Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 205
- 3) Section Numbers: Adopted Action:
205.310 Amendment
205.1360 Amendment
- 4) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]
- 5) Effective date of amendments: July 25, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice(s) of Proposal was Published in Illinois Register: December 20, 2002 - 26 Ill. Reg. 17918
- 10) Has JCAR issued a Statement of Objection to this/these rules? No
- 11) Difference between proposal and final version: No changes were made in response to comments received during the first notice or public comment period:

No changes were made in response to comments and suggestions of the JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of the amendments:

Section 205.310 (Personnel Policies) is being amended to add two new requirements. Each ambulatory surgical treatment center (ASTC), prior to employing an individual in a position that requires a State license, will be required to contact the Illinois Department

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of Professional Regulation to verify that the individual's license is active. ASTCs will also be required to check the status of all employment applicants with the Nurse Aide Registry prior to hiring.

Section 205.1360 (Clinical Facilities) is being amended to replace references to beds or recovery beds with stretchers and to change requirements for the number of required recovery spaces. For each procedure room using general, spinal, or epidural anesthesia, or IV sedation, at least one stretcher for Stage I recovery and two additional stretchers or lounge chairs for Stage II recovery will be required.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Peggy Snyder
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us

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

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 205

AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section	
205.110	Definitions
205.115	Incorporated and Referenced Materials
205.118	Conditions of Licensure
205.120	Application for Initial Licensure
205.125	Application for License Renewal
205.130	Approval of Surgical Procedures
205.135	Diagnostic Cardiac Catheterization Procedures

SUBPART B: OWNERSHIP AND MANAGEMENT

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205.210	Ownership, Control and Management
205.220	Organizational Plan
205.230	Standards of Professional Work
205.240	Policies and Procedures Manual

SUBPART C: PERSONNEL

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205.310	Personnel Policies
205.320	Presence of Qualified Physician
205.330	Nursing Personnel
205.340	Basic Life Support
205.350	Laboratory Services

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section	
205.410	Equipment
205.420	Sanitary Facility

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SUBPART E: GENERAL PATIENT CARE

Section

205.510	Emergency Care
205.520	Preoperative Care
205.530	Operative Care
205.540	Postoperative Care

SUBPART F: RECORDS AND REPORTS

Section

205.610	Clinical Records
205.620	Statistical Data

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section

205.710	Pregnancy Termination Specialty Centers
205.720	Personnel (Repealed)
205.730	General Patient Care (Repealed)
205.740	Preoperative Requirements (Repealed)
205.750	Postoperative Requirements (Repealed)
205.760	Reports (Repealed)

SUBPART H: LICENSURE PROCEDURES

Section

205.810	Complaints
205.820	Notice of Violation
205.830	Plan of Correction
205.840	Adverse Licensure Action
205.850	Fines and Penalties
205.860	Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS,
AND PHYSICAL REQUIREMENTS

Section

205.1310	Plant and Service Requirements
205.1320	General Considerations
205.1330	New Construction, Additions and Major Alterations

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205.1340	Minor Alterations and Remodeling Changes
205.1350	Administration Department and Public Areas
205.1360	Clinical Facilities
205.1370	Support Service Areas
205.1380	Diagnostic Facilities
205.1390	Other Building Services
205.1400	Details and Finishes
205.1410	Construction, Including Fire-Resistive Requirements, and Life Safety

SUBPART J: MECHANICAL

Section	
205.1510	General
205.1520	Thermal and Acoustical Insulation
205.1530	Steam and Hot Water Systems
205.1540	Air Conditioning, Heating and Ventilating Systems

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section	
205.1610	General
205.1620	Plumbing Fixtures
205.1630	Water System
205.1640	Drainage Systems
205.1650	Identification

SUBPART L: ELECTRICAL

Section	
205.1710	General
205.1720	Switchboards and Power Panels
205.1730	Panelboards
205.1740	Lighting
205.1750	Receptacles (Convenience Outlets)
205.1760	Grounding
205.1770	Equipment Installation in Special Areas
205.1780	Emergency Electric Service
205.1790	Fire Alarm System
TABLE A	General Pressure Relationships and Ventilation Rates of Ambulatory Surgery Area

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AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22, 1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 22 Ill. Reg. 9335, effective May 20, 1998; amended at 22 Ill. Reg. 22019, effective December 4, 1998; amended at 24 Ill. Reg. 2691, effective February 18, 2000; amended at 25 Ill. Reg. 7471, effective May 31, 2001; amended at 26 Ill. Reg. 16556, effective October 25, 2002; amended at 27 Ill. Reg. 13457, effective July 25, 2003 .

SUBPART C: PERSONNEL

Section 205.310 Personnel Policies

- a) Each ambulatory surgical treatment center shall have written personnel policies including job descriptions for each staff position, which shall include minimum qualifications required for the position. There shall be a documented procedure for orientation of new employees to the facility's policies and procedures as well as the personnel policies including a copy of the appropriate job description.
- b) Prior to employing any individual in a position that requires a State license, the ambulatory surgical treatment center shall contact the Illinois Department of Professional Regulation to verify that the individual's license is active. A copy of the license shall be placed in the individual's personnel file.
- c) The ambulatory surgical treatment center shall check the status of all applicants with the Nurse Aide Registry prior to hiring.

(Source: Amended at 27 Ill. Reg. 13457, effective July 25, 2003)

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SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS,
AND PHYSICAL REQUIREMENTS

Section 205.1360 Clinical Facilities

- a) Examination rooms
 - 1) Each examination room shall have a minimum clear floor area of 80 square feet, and a minimum dimension of 8 feet, exclusive of vestibule, toilet, closet, and work counter (whether fixed or movable). A minimum clear dimension of 2'6" on each side and at both ends of the examination table shall be provided.
 - 2) A lavatory or sink equipped for handwashing with electronic or knee or foot control shall be provided.
 - 3) A counter or shelf space for writing shall be provided.
- b) Procedure rooms – Sterile area
 - 1) At least one procedure room with a minimum clear area of 250 square feet and a minimum dimension of 14 feet, exclusive of closet, cabinet, and work counter (whether fixed or movable) shall be provided. There shall be a minimum clearance of 3'6" at each side and at both ends of the operating table.
 - 2) Any new construction of other procedure rooms shall not be less than 120 square feet with a minimum dimension of 10 feet, exclusive of closet, cabinet, and work counter (whether fixed or movable). There shall be a minimum of 3' clearance at each side and at both ends of the operating table.
 - 3) A communication system connecting with the control station shall be provided.
 - 4) Special features such as x-ray film illuminators, and storage space as required by the program, shall be provided.
- c) Procedure rooms – Non-sterile area
 - 1) Laser rooms

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- A) Rooms used solely for procedures where lasers are employed shall have a minimum clear floor area of 100 square feet and a minimum clear dimension of 10 feet, exclusive of vestibule, toilet, closet, and work counter (whether fixed or movable). There shall be a minimum 2'6" clearance at each side and both ends of the treatment chair/table.
 - B) If a water cooling system for the laser equipment is used, a water supply and trapped waste line shall be provided to service the laser.
 - C) A communication system connected to the control station shall be provided.
- 2) Gastrointestinal endoscopy rooms
- A) Rooms used solely for gastrointestinal endoscopic procedures shall have a minimum clear floor area of 200 square feet and a minimum clear dimension of 12 feet, exclusive of such spaces as vestibule, toilet, closet, and work counter (whether fixed or movable). There shall be a minimum 2'6" clearance at each side and at both ends of the treatment table.
 - B) A storage area for overgowns, gloves, masks, and goggles adjacent to the hand-washing lavatory shall be provided.
 - C) An area for the disposal of overgowns, gloves, masks, and goggles shall be provided.
 - D) An endoscopic instrument cabinet for easy access and proper maintenance of fiberoptic equipment shall be provided.
 - E) An instrument processing work area with storage cabinets, work counter, drip rack, and double sink shall be provided.
 - F) A communication system connected to the control station shall be provided.
- d) Recovery rooms
- 1) Rooms for post-anesthesia recovery for surgical patients shall be provided. These rooms shall be classified as Stage I recovery, Stage II recovery, or

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combined Stage I and Stage II recovery. For the purpose of this Section, lounge chair means recliner.

A) Stage I or combined Stage I and II recovery rooms

- i) Stage I recovery rooms shall include spaces for patients who are recovering from surgical procedures requiring general, spinal or any other type of sedation that requires a more intense level of monitoring.
- ii) ~~There shall be at least one recovery bed and two additional beds or lounge chairs for each procedure room using general, spinal or epidural anesthesia, or IV sedation.~~
- iii) Stage I recovery rooms shall have a minimum clear area of 70 square feet for single or multiple patient occupancy. The ~~stretchers~~beds and lounge chairs shall be arranged so that there is a minimum clear dimension of 3' on the sides of the ~~stretchers~~beds or lounge chairs and 4' at the foot of the ~~stretchers~~beds or lounge chairs.

B) Stage II recovery rooms

- i) Stage II recovery rooms shall include spaces for patients who are able to leave the Stage I recovery room but require additional time for all of the patient's vital signs to be stabilized to the point where the patient may leave the facility. These rooms may also serve those patients who have undergone surgical procedures under local anesthesia.
- ii) Stage II recovery rooms shall have a minimum clear area of 50 square feet per station with a minimum clear dimension of 2'6" on both sides and 3' at the foot of the ~~stretchers~~beds or lounge chairs.

C) Number of required recovery spaces

- i) For each procedure room using general, spinal, or epidural anesthesia, or IV sedation, there shall be at least one stretcher for Stage I recovery and two additional stretchers or lounge chairs for Stage II recovery.

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- iii) ~~For each procedure room using only local anesthesia, at least one recovery bed and one additional bed or lounge chair shall be provided.~~
- iiiv) For each gastrointestinal endoscopy room, there shall be a minimum of one ~~stretcher~~recovery bed and one other ~~stretcher~~recovery bed or lounge chair.
- 2) The recovery area shall contain a drug distribution station, hand-washing facility, charting facilities, nurses' station, and storage space for supplies and equipment.
- 3) The recovery rooms ~~shall~~must have accessibility to a toilet without having to leave the recovery room to reach it. The water closet shall be equipped with a gray diverter valve.

(Source: Amended at 27 Ill. Reg. 13457, effective July 25, 2003)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Numbers: Adopted Action:

250.160	Amended
250.410	Amended
250.1075	Amended
250.1830	Amended
250.2420	Amended
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) Effective date of amendments: July 25, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice(s) of Proposal was Published in Illinois Register:

February 21, 2003 - 27 Ill. Reg. 2848
- 10) Has JCAR issued a Statement of Objection to this/these rules? No
- 11) Difference between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In the Main Source Note, "emergency expired on May 27, 1996;" was added after "days;"; "emergency expired on May 31," was deleted.
2. In Section 250.160(a)(1)(C)(ii), "Standards" was underlined and "~~Standard~~" was added.
3. In Section 250.160(a)(1)(C)(xix), "Fire Walls" was underlined and "~~Firewalls~~" was added.

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4. In Section 250.160(a)(1)(I), “IL” was stricken and “Illinois” was added.
5. In Section 250.410(a), “Personnel department organization” was added.
6. In Section 250.1075(b), “seclusions” was changed to “seclusion”.
7. In Section 250.1075(d), “are” was changed to “is”.
8. In Section 250.1830(e)(1)(B), “percent” was changed to “%”.
9. In Section 250.1830(g)(2), “subsection” was deleted; strike out was removed from “Section”; strike out was removed from “250.1820”.
10. In Section 250.1830(k)(3), “3” was deleted.
11. After Section 250.1830, “SUBPART T: DESIGN AND CONSTRUCTION STANDARDS” was added.
12. In Section 250.160(a)(1)(C)(ix), (xiv), and (xv), “2002” was stricken and “1999” was added.

The following changes were made in response to comments and suggestions of the JCAR:

1. In the heading of Section 250.1075 and in the Table of Contents, “and Seclusion” was added after “Restrains”.
2. In the Main Source Note, “May 27, 1996” was changed to “May 29, 1996”.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of the amendments:

Section 250.160 (Incorporated and Referenced Materials) is being amended to update

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incorporated and referenced materials.

Section 250.410 (Organization) is being amended to require hospitals, prior to employing any individual in a position that requires a State license, to contact the Illinois Department of Professional Regulation to verify that the individual's license is active. The hospital will also be required to check the status of all applicants with the Nurse Aide Registry prior to hiring.

Section 250.1075 (Use of Restraints) is being amended to implement Public Act 92-356, which amended the Hospital Licensing Act to require hospitals to have a written policy to address the use of restraints and seclusion in the hospital. The policies should be consistent with the requirements for participation in the federal Medicare program. The amendments include requirements for ordering restraints.

Section 250.1830 (General Requirements for all Maternity Departments) is being amended to update references to guidelines of the American College of Obstetricians and Gynecologists. A reference to the Department's rules titled Maternal Death Review is being added, as well as a definition of maternal death.

Section 250.2420 (Submission of Plans for New Construction, Alterations or Additions to Existing Facility) is being amended to require as-built drawings to be maintained by the hospital. Referenced to the BOCA National Building Code are being changed to the International Building Code.

16) Information and questions regarding these adopted amendments shall be directed to:

Peggy Snyder
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us

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

DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

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250.110	Application for and Issuance of a Permit to Establish a Hospital
250.120	Application for and Issuance of a License to Operate a Hospital
250.130	Administration by the Department
250.140	Hearings
250.150	Definitions
250.160	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

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250.220	Accounting
250.230	Planning
250.240	Admission and Discharge
250.250	Visiting Rules
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250.270	Manuals of Procedure
250.280	Agreement With Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

Section	
250.310	Organization
250.315	House Staff Members
250.320	Admission and Supervision of Patients
250.330	Orders for Medications and Treatments
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SUBPART D: PERSONNEL SERVICE

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250.410	Organization
250.420	Personnel Records
250.430	Duty Assignments
250.435	Health Care Worker Background Check
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250.450	Personnel Health Requirements
250.460	Benefits

SUBPART E: LABORATORY

Section	
250.510	Laboratory Services
250.520	Blood and Blood Components
250.525	Designated Blood Donor Program
250.530	Proficiency Survey Program (Repealed)
250.540	Laboratory Personnel (Repealed)
250.550	Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

Section	
250.610	General Diagnostic Procedures and Treatments
250.620	Radioactive Isotopes
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SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

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250.710	Classification of Emergency Services
250.720	General Requirements
250.725	Notification of Emergency Personnel
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250.740	Disaster and Mass Casualty Program
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Section	
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250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
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250.920	Organizational Plan
250.930	Role in hospital planning
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250.950	Nursing committees
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250.980	Nursing Records and Reports
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250.1810 Applicability of other Parts of these regulations
250.1820 Maternity and Neonatal Service (Perinatal Service)
250.1830 General Requirements for All ~~all~~ Maternity Departments
250.1840 Discharge of Newborn Infants from Hospital
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SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

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250.1910 Maintenance
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250.1930 Water Supply
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250.1950 Grounds and Buildings Shall be Maintained
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250.2010 Definition
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SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section

250.2110 Service Requirements
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SUBPART S: PSYCHIATRIC SERVICES

Section

250.2210	Applicability of other Parts of these Regulations
250.2220	Establishment of a Psychiatric Service
250.2230	The Medical Staff
250.2240	Nursing Service
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250.2280	Care of Patients
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250.2300	Diagnostic, Treatment and Physical Facilities and Services

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250.2410	Applicability of these Standards
250.2420	Submission of Plans for New Construction, Alterations or Additions to Existing Facility
250.2430	Preparation of Drawings and Specifications – Submission Requirements
250.2440	General Hospital Standards
250.2450	Details
250.2460	Finishes
250.2470	Structural
250.2480	Mechanical
250.2490	Plumbing and Other Piping Systems
250.2500	Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section

250.2610	Applicability of these Standards
250.2620	Codes and Standards
250.2630	Existing General Hospital Standards
250.2640	Details
250.2650	Finishes
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250.2680 Electrical Requirements

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250.2720 Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section

250.2810 Applicability of Other Parts of These Requirements
250.2820 Establishment of an Alcoholism and Intoxication Treatment Service
250.2830 Classification and Definitions of Service and Programs
250.2840 General Requirements for all Hospital Alcoholism Program Classifications
250.2850 The Medical and Professional Staff
250.2860 Medical Records
250.2870 Referral
250.2880 Client Legal and Human Rights

250.APPENDIX A Codes and Standards (Repealed)

EXHIBIT A Codes (Repealed)

EXHIBIT B Standards (Repealed)

EXHIBIT C Addresses of Sources (Repealed)

250.ILLUSTRATION A Seismic Zone Map

250.TABLE A Measurements Essential for Level I, II, III Hospitals

250.TABLE B Sound Transmission Limitations in General Hospitals

250.TABLE C Filter Efficiencies for Central Ventilation and Air Conditioning Systems in
General Hospitals (Repealed)

250.TABLE D General Pressure Relationships and Ventilation of Certain Hospital Areas
(Repealed)

250.TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air

250.TABLE F General Pressure Relationships and Ventilation of Certain Hospital Areas

250.TABLE G Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6,

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1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003.

SUBPART A: GENERAL

Section 250.160 Incorporated and Referenced Materials

- a) The following regulations and are incorporated in this Part:
 - 1) Private and professional association standards:
 - A) American Society for Testing and Materials (ASTM), Standard No. E90-99 (2002): Standard Test Method for Laboratory

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Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, which may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959. (See Section 250.2420.)

- B) The following standards of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE), which may be obtained from the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329: (See Section 250.2480.)
- i) ASHRAE Handbook of Fundamentals (2001);
 - ii) ASHRAE Handbook for HVAC Systems and Equipment (1996);
 - iii) ASHRAE Handbook-HVAC Applications (1999).
- C) The following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269:
- i) No. 101 (2000): Life Safety Code; (See Sections 250.2420, 250.2450, 250.2460, 250.2470, and 250.2490.)
 - ii) No. 10 (1998): Standards ~~Standard~~ for Portable Fire Extinguishers; (See Section 250.1980.)
 - iii) No. 13 (1999): Standards for the Installation of Sprinkler Systems; (See Sections 250.2490 and 250.2670.)
 - iv) No. 14 (2000): Standard for the Installation of Standpipe, Private Hydrants and Hose Systems; (See Sections 250.2490 and 250.2670.)
 - v) No. 25 (1998): Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;
 - vi) No. 30 (2000): Flammable and Combustible Liquids Code;

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(See Section 250.1980.)

- vii) No. 45 (2000): Standard on Fire Protection for Laboratories Using Chemicals;
- viii) No. 54 (1999): National Fuel Gas Code;
- ix) No. 70 (~~1999~~2002): National Electrical Code; (See Sections 250.2440 and 250.2500.)
- x) No. 72 (1999): National Fire Alarm Code;
- xi) No. 80 (1999): Standard for Fire Doors and Fire Windows; (See Section 250.2450.)
- xii) No. 82 (1999): Standard on Incinerators and Waste and Linen Handling Systems and Equipment; (See Section 250.2440.)
- xiii) No. 90A (1999): Standard for Installation of Air Conditioning and Ventilating Systems; (See Sections 250.2480 and 250.2660.)
- xiv) No. 96 (~~1999~~2004): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations; (See Section 250.2660.)
- xv) No. 99 (~~1999~~2002): Standard for Health Care Facilities; (See Sections 250.1410, 250.1980, 250.1910, 250.2460, 250.2480, 250.2490 and 250.2660.)
- xvi) No. 101-A (2001): Guide on Alternative Approaches to Life Safety; (See Section 250.2620.)
- xvii) No. 110 (1999): Standard for Emergency and Standby Power Systems;
- xviii) No. 220 (1999): Standard on Types of Building Construction; (See Sections 250.2470 and 250.2620.)
- xix) No. 221 (2000): Standard for Fire Walls ~~Firewalls~~ and Fire

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Barrier Walls;

- xx) No. 241 (2000): Standard for Safeguarding Construction, Alteration and Demolition Operations;
 - xxi) No. 255 and 258 (2000): Standard Method of Test of Surface Burning Characteristics of Building Materials, and Recommended Practice for Determining Smoke Generation of Solid Materials; (See Section 250.2480.)
 - xxii) No. 701 (1999): Standard Methods of Fire Tests for Flame-Propagation of Textiles and Films; (See Sections 250.2460 and 250.2650.)
- D) American Academy of Pediatrics and American College of Obstetricians and Gynecologists, Guidelines for Perinatal Care, Fourth Edition (1997)~~Third Edition (1997)~~, which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 4500, Kearneysville, West Virginia 25430-4500 (800-762-2264). ~~American Academy of Pediatrics, 141 Northwest Point Boulevard, Elk Grove Village, Illinois 60009.~~ (See Section 250.1820.)
- E) American College of Obstetricians and Gynecologists, Guidelines for Women's Healthcare (Second Edition (2002) ~~January 1996~~) and Guidelines for Perinatal Care, Fourth Edition, which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 4500, Kearneysville, West Virginia 25430-4500 (800-762-2264).~~, 409 12th Street, SW, Washington, D.C. 20024-1288.~~ (See Section 250.1820.)
- F) National Council on Radiation Protection and Measurements (NCRP), Report No.49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report No. 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989), which may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Ave., Suite 800, Bethesda, Maryland 20814-3095. (See Sections 250.2440 and 250.2450.)

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- G) DOP Penetration Test Method MIL STD No.282 (1995): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120. (See Section 250.2480.)
- H) National Association of Plumbing-Heating-Cooling Contractors (PHCC), National Standard Plumbing Code (1957), which may be obtained from the National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street, N.W., Washington, D.C. 20036. (See Section 250.2420.)
- I) ~~The International Code Council, Building Officials and Code Administrators (BOCA) International, International Building Code (IBC) (2000), which may be obtained from The BOCA International Code Council, 4051 Flossmoor Road, Country Club Hills, Illinois 60477-5795. (See Section 250.2420.)~~
- J) American Standards Association, Inc., Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped (1968), which may be obtained from the American Standards Association, Inc., East 40th Street, New York, New York 10016. (See Section 250.2420.)
- K) Accreditation Council for Graduate Medical Education, Essentials of Accredited Residencies in Graduate Medical Education (1997), which may be obtained from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 200, Chicago, Illinois 60610. (See Section 250.315.)
- L) Joint Commission on Accreditation of Healthcare Organizations, 2002 Hospital Accreditation Standards (HAS) (January 1, 2002), Standard P.E.1.9 and Standard P.E.8, which may be obtained from the Joint Commission on Accreditation of Healthcare Organizations, One Renaissance Boulevard, Oak Brook Terrace, Illinois 60181. (See Section 250.1035.)
- 2) Federal Government Publications:
- Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Isolation

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Precautions in Hospitals", February 18, 1997 and "Guidelines for Infection Control in Health Care Personnel", 1998, which may be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. (See Section 250.1100.)

- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
 - 1) State of Illinois statutes:
 - A) Hospital Licensing Act [210 ILCS 85].
 - B) Illinois Health Facilities Planning Act [20 ILCS 3960].
 - C) Medical Practice Act of 1987 [225 ILCS 60].
 - D) Podiatric Medical Practice Act of 1987 [225 ILCS 100].
 - E) Pharmacy Practice Act of 1987 [225 ILCS 85].
 - F) Physicians Assistant Practice Act of 1987 [225 ILCS 95].
 - G) Illinois Clinical Laboratory Act [210 ILC 25].
 - H) Radiation Installation Act [420 ILCS 30].
 - I) X-ray Retention Act [210 ILCS 90].
 - J) Safety Glazing Materials Act [430 ILCS 60].
 - K) Mental Health and Developmental Disabilities Code [405 ILCS 5].
 - L) Nursing and Advanced Practice Nursing Act [225 ILCS 65].
 - 2) State of Illinois rules:

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- A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890).
- B) Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545).
- C) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690).
- D) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750).
- E) Department of Public Health, Public Area Sanitary Practice Code (77 Ill. Adm. Code 895).
- ~~F)~~ Department of Public Health, Maternal Death Review (77 Ill. Adm. Code 657).
- ~~GF)~~ Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400).
- ~~HG)~~ State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120).
- ~~IH)~~ State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100).
- ~~J)~~ Department of Nuclear Safety, Standards for Protection Against Radiation (32 Ill. Adm. Code 340).
- ~~KJ)~~ Department of Nuclear Safety, Use of X-rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360).

(Source: Amended at 27 Ill. Reg. 13467, effective July 25, 2003)

SUBPART D: PERSONNEL SERVICE

Section 250.410 Organization

- a) Personnel department organization

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- 1) There shall be an organized personnel department or service designed to meet the needs of the personnel.
 - 2) The chief executive officer shall designate an individual as department or service chief.
 - 3) The chief executive officer (administrator) shall ensure that personnel policies and practices ~~that which~~ adequately support hospital services and quality of patient care are established and maintained.
 - 4) There shall be sufficient qualified personnel to properly operate the various departments and the adjunct services requiring technical skill, such as laboratory, x-ray, physical therapy, pharmacy, nursing, surgery, respiratory therapy, etc.
 - 5) There shall be sufficient service personnel to properly operate service departments.
 - 6) Qualified personnel shall mean those persons who hold necessary licenses for the activities they perform. If no license is required, qualified personnel shall mean those persons who are registered or certified by the Department, the Illinois Department of Professional Regulation ~~Registration and Education~~, the Council on Medical Education of the American Medical Association or Agencies or Committees established in collaboration with the Council, other accrediting agencies approved by the Department, or an acceptable experience equivalent to the above.
- b) Personnel policies shall be written and available to all personnel.
 - c) Personnel policies shall be reviewed and/or revised periodically, but no less than once every two years. The date of review or revision shall be indicated on the personnel policies.
 - d) The governing body, through its chief executive officer, shall identify functions for the management of personnel and place responsibility for implementation and actions related to established policies and procedures.
 - e) Under the direction of administration, the personnel service shall have available organizational charts ~~that which~~ identify all departments and/or services.
 - f) All positions shall be authorized by the governing authority, either directly or

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through delegation to the administrator.

- g) There shall be a written job description including minimum qualifications for each position in the hospital.
- h) Prior to employing any individual in a position that requires a State license, the hospital shall contact the Illinois Department of Professional Regulation to verify that the individual's license is active. A copy of the license shall be placed in the individual's personnel file.
- i) The hospital shall check the status of all applicants with the Nurse Aide Registry prior to hiring.

(Source: Amended at 27 Ill. Reg. 13467, effective July 25, 2003)

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section 250.1075 Use of Restraints and Seclusion

- a) Each hospital licensed under the Act and this Part shall have a written policy to address the use of restraints and seclusion in the hospital. Each hospital policy shall include periodic review of the use of restraints and seclusion in the hospital. (Section 6.20 of the Act)
- b) The hospital's policy governing the use of restraints and seclusion shall be consistent with 42 CFR 482.213(e) and (f). (Section 6.20 of the Act)
- c) In hospitals, restraints or seclusion may only be ordered by a physician licensed to practice medicine in all its branches or a registered nurse with supervisory responsibilities as authorized by the medical staff. The medical staff of a hospital may adopt a policy specifying the requirements for the use of restraints or seclusion and identifying whether a registered nurse with supervisory responsibilities may order restraints or seclusion in the hospital when the patient's treating physician is not available. (Section 6.20 of the Act)
- d) Registered nurses authorized to order restraints or seclusion shall have appropriate training and experience as determined by medical staff policy. The treating physician shall be notified when restraints or seclusion is ordered by a registered nurse. Nothing in this Section requires that a medical staff authorize a registered nurse with supervisory responsibilities to order restraints or seclusion. (Section 6.20 of the Act)

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~~Established written policy(ies) shall address the use of restraints in the hospital and shall include, at a minimum, the following provisions:~~

- ~~a) Restraints shall be used only to prevent the individual from injuring him/herself or others, or to prevent serious disruption of the provision of care to the patient or others.~~
- ~~b) Restraints shall be used only upon the written order of a physician. In an emergency, other appropriate individuals, as specifically designated in policies and procedures, may order use of a restraint for a period not to exceed one hour. The clinical justification for use of a restraint will be addressed in the medical record on each use of the restraint. Orders shall be for specific episodes rather than unspecified future use (PRN).~~
- ~~c) Restraint use shall be time limited by policy, not to exceed 24 hours without review and re-initiation of a physician order.~~
- ~~d) The required proximity to the nurses' station of patients on the floor who are placed in restraints shall be stated.~~
- ~~e) Methods and frequency of observation of patients, including maximum length of time between observations, shall be stated.~~
- e) When hard restraints are employed, all nursing and patient care staff assigned to that unit must have a restraint key in their possession for the duration of their shift.

(Source: Amended at 27 Ill. Reg. 13467, effective July 25, 2003)

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section 250.1830 General Requirements for All ~~all~~ Maternity Departments

- a) The temperature and humidity in the nurseries and in the delivery suite shall be maintained at a level best suited for the protection of mother and baby as determined by the responsible people in the department and as recommended by the American Academy of Pediatrics and ACOG. Chilling of the neonate must be avoided: the neonate must be immediately placed in an approved radiant heat source ready to receive the infant and that allows access for resuscitation efforts. Personnel trained to use the equipment to maintain a neutral thermal environment for the neonate shall be available. For general temperature and humidity

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requirements see Section 250.2480(d)(1). In general, a temperature between 72 degrees and 76 degrees and relative humidity between 35% and 60% are acceptable.

- b) Linens and Laundry
 - 1) Nursery linens shall be washed separately from other hospital linens.
 - 2) Soiled linens shall be discarded into impervious plastic bags placed in hampers that are easy to clean and disinfect. Soiled diapers shall be placed in special diaper receptacles immediately after removal from the neonate. Diapers shall not be rinsed in the nursery. Chutes from nursery to laundry shall be used only if a system of negative air pressure exists.
 - 3) Plastic bags of soiled diapers (reusable or disposable) and other linens shall be sealed and removed from the nursery at least every eight hours.
 - 4) Linens shall be transported to the nursery in an enclosed unit or otherwise protected from contamination.
 - 5) No new unlaundered garments shall be used in the nursery. Linen used in observation and special care nurseries shall be autoclaved.
- c) Sterilizing equipment, as required in Section 250.1090, shall be available. This may be provided in the maternity department or in a central sterilizing unit provided that flash sterilizing equipment or adequate sterile supplies and instruments are provided in the maternity department.
- d) Accommodations and facilities for mothers
 - 1) The hospital shall identify specific rooms and beds, adjacent when possible to other maternity facilities, as maternity rooms and beds. These rooms and beds shall be used exclusively for maternity patients or for combined maternity and gynecological service beds in accordance with Section 250.1820(h).
 - 2) Whenever feasible, adjacent patient rooms and beds may be used as "swing beds" to be made a part of another nursing unit. Adjacent rooms and beds may be used for clean cases. A corridor partition with doors is recommended to provide a separation between the maternity beds and maternity facilities and the nonmaternity rooms. The doors shall be kept

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closed except when in active use as a passageway.

- 3) Facilities shall be available for the immediate isolation of all patients in whom an infectious condition is thought to exist or other conditions inimical to the safety of other maternity and neonatal patients.
 - 4) It is preferred that labor rooms be private or two-bed rooms. Labor rooms shall be conveniently located with reference to the delivery rooms and shall have facilities for examination and preparation of patients.
 - 5) Delivery rooms shall be equipped and staffed to provide emergency resuscitation for infants. Equipment shall include an infant size positive pressure bag with capability of 100% O₂ delivery; ~~bag~~ Bag and mask with attachment for oxygen; laryngoscope with zero and one sized blades; endotracheal tubes sizes 10, 12, 14 French or equivalent; oral airways; and an appropriate device to provide a source of continuous suction for aspiration of the pharynx and stomach. An umbilical vessel catheterization tray should be available. Only personnel qualified and trained to do so should use this equipment.
 - 6) If only one delivery room is required, one labor room shall be arranged as an emergency delivery room and shall have a minimum clear floor area of 180 square feet.
 - 7) A recovery room is recommended. The patient shall be kept under close observation until her condition is stabilized following delivery. Observations at established time intervals shall be recorded as a part of the patient's chart. A recovery area shall be provided. Emergency equipment and supplies must be available for use in the recovery area. Continuing education for personnel providing recovery room care should be provided. Refer to Section 250.1410(g).
- e) Accommodations and facilities for infants
- 1) Primary Care Nurseries
 - A) A clean nursery or nurseries shall be provided, near the mothers' rooms with adequate lighting and ventilation. There shall be a minimum of 30 square feet of floor area for each bassinet and three feet between bassinets. Equipment must be provided to prevent direct draft on the infants. Because one nursing staff person is

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required for every six to eight normal infants, individual nursery rooms should have a capacity of six to eight or 12 to 16. The normal newborn infant care area in a smaller hospital should limit room size to eight, so that two or more rooms are available to permit cohorting in the presence of infection.

- B) Bassinets equipped to provide for the medical examination of the newborn infant and for the storage of necessary supplies and equipment shall be provided in a number to exceed obstetric beds by ~~20%~~ at least 20% to accommodate multiple births, extended stay, and fluctuating patient loads. Bassinets are to be separated by a minimum of three feet measuring from the edge of one bassinet to the edge of the adjacent one.
- C) A glass observation window shall be provided through which babies may be viewed.
- D) Resuscitation equipment as described for the delivery suite and below, and personnel trained to use it, shall be available in the nursery at all times.
- E) Each primary care nursery shall have immediately on hand equipment necessary to stabilize the sick infant prior to transfer. Such equipment shall consist of:
 - i) A heat source capable of maintaining the core temperature of even the smallest infant at 98 degrees (an incubator, or preferably a radiant heat source).
 - ii) Equipment with the ability to monitor blood sugar frequently: (Dextrostix).
 - iii) A resuscitation tray containing at least laryngoscope, 0 and 1 size blades, endotracheal tubes of various neonatal sizes, infant size positive pressure bag and appropriate sized masks, gavage tubes, and an umbilical vessel catheterization tray.
 - iv) Equipment for delivery of 100% oxygen concentration, and the ability to measure delivered oxygen in fractional inspired concentrations (FI O₂). The oxygen analyzer shall

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be calibrated and serviced at least monthly by the hospital's respiratory therapy department or other responsible personnel trained to perform the task.

- F) Consultation and Referral Protocols
- i) Each primary care nursery shall have a clearly designated Level II or Level III nursery to which it refers patients and from which it seeks consultation and advice. The telephone number of the Level II or Level III nursery and the name of the nursery director shall be posted in the nursery. A log of communication between the general nursery and the referral nursery shall be maintained by the head nurse of the general nursery.
 - ii) Protocols for management of certain disease states, and for consultation and referral shall be developed by the nursery director in conjunction with the director of the Level II or Level III unit to which referrals are sent.
 - iii) These protocols shall spell out details for local management of disease states and specific transfer criteria. These protocols shall be maintained in the nursery.
- 2) Intermediate and Intensive Care Nurseries shall meet all of the conditions described above except that infant cribs shall be separated by four to six feet of space to allow for ease of movement of additional personnel, and to allow space for additional equipment used in care of infants in these areas. There should be 80 to 100 square feet of space for each infant cared for in the Level III or Intensive Care area.
- 3) Facilities shall be available for the immediate isolation of all newborn infants who have or are suspected of having an infectious disease.
- 4) When an infectious condition is thought to exist, the infant shall be isolated in accordance with policies and procedures established and approved by the hospital and consistent with recommended procedures of ACOG, AAP, and the Control of Communicable Diseases Code.
- f) The personnel requirements and recommendations set forth in Subpart D apply to the operation of the maternity department in addition to the following:

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- 1) Nursing Staff – General Requirements
 - A) Nursing supervision by a registered professional nurse shall be provided for the entire 24-hour period for each occupied unit of the maternity and neonatal services. This nurse shall have education and experience in maternity and/or neonatal nursing.
 - B) At least one maternity or neonatal nurse trained in maternity and nursery care shall be assigned to the care of mothers and infants at all times. When infants are present in the nursery at least one person trained to give care to the newborn infants shall be assigned at all times to the nursery with duties restricted to the care of the infants. Infants shall never be left unattended.
 - C) A registered professional nurse must be in attendance at all deliveries, and must be available to monitor the mother's general condition and that of the fetus during labor and for at least two hours after delivery and longer if complications occur.
 - D) Nursing personnel providing care for obstetric and other patients shall be instructed on a continuing basis in the proper technique to prevent cross-infection. When necessary for the same nurse to care for both maternity and nonmaternity patients in the gynecologic unit, proper technique shall be followed.
 - E) Nursing personnel are only permitted to be assigned to the maternity neonatal division for an entire shift.
 - F) Temporary relief from outside the maternity neonatal division by qualified personnel shall be permitted as necessary according to appropriate infection control policy.
- 2) Nursing Staff – Level I or Primary Care for occupied units. These units shall meet the following requirements in addition to General Care Requirements in Section 250.1830(f)(1).
 - A) Labor and Delivery Unit Staffing shall be planned to ensure that the total nursing personnel on each shift is equal to one-half the average number of deliveries per 24 hours. At least half of the personnel on each shift shall be R.N.s, and at no time shall the nursing staff on any shift be fewer than two. The nursing staff of

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the labor and post delivery recovery area shall not have other responsibilities in the labor/delivery suite except for emergencies.

- B) Postpartum and General Care Newborn Unit
 - i) If these units are organized as separate nursing units, staffing should be based on a formula of one nursing personnel per six to eight patients and should ensure one R.N. per unit per shift.
 - ii) If the units are combined as a rooming-in or modified rooming-in unit, the nursing staff shall be planned to provide one nursing personnel per four mother baby units and shall never be staffed at fewer than two nursing personnel per shift. One shall be a registered professional nurse (R.N.).
 - C) At least one member of the nursing staff on each shift, who is skilled in cardiopulmonary resuscitation of the newborn, must be immediately available to the delivery suite and newborn nursery area.
 - D) Changes in medical staff regulations, where applicable, shall be provided to permit the perinatal medicine service to fully utilize the services of specially trained paramedical and nursing personnel where these personnel are needed and/or desired.
- 3) Nursing Staff – Level II Intermediate Perinatal Care Requirements. These units shall meet the following requirements in addition to General Care Requirements in Section 250.1830(f)(1).
- A) Labor and delivery shall include at least one registered professional nurse on each shift who must be competent in the use of continuous electronic fetal monitoring techniques.
 - B) Intermediate Care Nursery
 - i) A staffing ratio of one licensed nursing personnel per three or four infants must be available.
 - ii) Nursing personnel may be shared with the general care

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nursery as needed.

- iii) There must never be fewer than two licensed nursing personnel available in the general and intermediate care nurseries, at least one of whom is an R.N.
- 4) Nursing Staff – Level III Tertiary Perinatal Care. These units shall meet the following requirements in addition to Intermediate Care Requirements in sub section Section 250.1830 (f)(3).
- A) Staffing patterns on each shift must be such that a 1:1 ratio between patients who require intensive care during labor and delivery and a registered professional nurse who is competent, by virtue of training and/or experience, in the care of high risk obstetric patients can be maintained as necessary. A ratio of at least one registered professional nurse to 1½ patients shall be maintained at all times.
 - B) Neonatal intensive care nursing on a 1:1 basis must be available as indicated. A ratio of at least one registered professional nurse to 1½ patients shall be maintained at all times.
- 5) Medical Personnel
- A) Level I or Primary Care:
 - i) One physician should be Chief of Neonatal Care. He or she should be a board certified pediatrician. Where this is not possible, a physician with experience and regular practice may be the Chief and responsible for neonatal care, and a source of pediatric and/or neonatology consultation shall be documented.
 - ii) The director of obstetrical service should be a board certified obstetrician. Where this is not possible, a physician with experience and regular practice may be Chief and responsible for obstetric care, and a source of obstetric consultation shall be documented.
 - B) Level II or Intermediate Care:

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- i) A board certified pediatrician with special interest and training in neonatal/perinatal medicine or a certified neonatologist should be Chief of Neonatal Care. A board certified obstetrician should be Chief of Obstetrical Care. Obstetrical anesthesia should be directed by a board certified anesthesiologist with experience and competence in obstetrical anesthesia. Hospital staff should also include a pathologist and an "on call" radiologist 24 hours a day. Specialized medical and surgical consultation shall be readily available.
 - ii) Other staff: Laboratory and X-ray technicians in the hospital shall be readily available at all times. In addition, a respiratory therapist may be part of the staff.
- C) Level III or Intensive Care:
- i) The Chief of Neonatal Pediatrics should be eligible for certification by the American Board of Pediatrics' subspecialty board of neonatal/perinatal medicine, and is responsible for care in intensive care areas. Only physicians eligible for certification in neonatal/perinatal medicine shall be responsible for care of infants in the Intensive Care area, but other physicians should be encouraged to participate. The Chief shall be full-time with the hospital service. There shall be sufficient number of qualified or certified neonatologists to assure availability of such care at all times. The chief of obstetric/perinatal service at the Level III facility shall be a board certified obstetrician and preferably certified in fetal/maternal medicine.
 - ii) Pediatric medical and surgical subspecialists must be available for consultation. An anesthesiologist with special training in maternal fetal and neonatal anesthesia must be in charge of anesthesia services. A pathologist and radiologist with experience in interpretation of radiographs of neonatal patients shall be members of the hospital staff.
- 6) Nutritionist Staff

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- A) For Level II units, a registered dietitian with professional experience and/or course work that relates to perinatal maternal and newborn dietary management should be available.
 - B) For Level III units, a registered dietitian with professional experience and/or course work that relates to perinatal maternal and newborn dietary management shall be available.
- g) Practices and procedures for care of mothers and infants
- 1) The hospital shall effect all necessary precautionary measures against the admission to the maternity department of actual or suspected infectious patients.
 - 2) Patients with clean obstetric complications (regardless of month of gestation) such as toxemia of pregnancy for observation and treatment, placenta praevia for observation or delivery, ectopic pregnancy, and hypertensive heart disease in a pregnant patient, may be admitted to the maternity department and be under the same rules ~~and regulations~~ as any other maternity case. (See Refer to Section 250.1820(h)(6)(B).)
 - 3) The physician shall determine whether a prenatal serological test for syphilis has been done on each mother and the results recorded. If no such test has been done before the admission of the patients, the test shall be performed as soon as possible. Specimens may be submitted in appropriate containers to an Illinois Department of Public Health laboratory for testing without charge.
 - 4) No maternity patient under the effect of an analgesic or an anesthetic, in active labor or delivery, shall be left unattended at any time.
 - 5) Fetal maturity shall be established and documented prior to elective inductions and Cesarean sections. The hospital shall establish a ~~There shall be a~~ written policy and procedure ~~established by the hospital~~ concerning the administration of oxytocic drugs.
 - A) Oxytocin should be used for the contraction stress test only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this

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responsibility. It is recommended that Oxytocin ~~should be~~ administered by controlled infusion.

- B) Oxytocin shall be used for medical induction or stimulation of labor only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this responsibility. It is recommended that the following be included in these policies:
- i) The attending physician should evaluate the patient for induction or stimulation, especially with regard to indications.
 - ii) The physician or other individuals starting the Oxytocin shall be familiar with its effect and complications and be qualified to identify both maternal and fetal complications.
 - iii) A qualified physician shall be immediately available as is necessary to manage any complication effectively.
 - iv) The intravenous route is the only acceptable mode of administration. It is recommended that an infusion pump, or other device for accurate control of the rate of flow, and a two-bottle system, one of which contains no Oxytocin substance, be used.
 - v) During Oxytocin administration, the fetal heart rate; the resting uterine tone; and the frequency, duration and intensity of contractions must be monitored electronically and recorded. Maternal blood pressure and pulse must be monitored and recorded at intervals comparable to the dosage regimen; that is, at 30 to 60 minute intervals, when the dosage is evaluated for maintenance, increase or decrease. Evidence of maternal and fetal surveillance must be documented.
- 6) Identification of infants. The hospital shall use standards that are consistent with, but not limited to, procedures for the identification of newborn infants as recommended by the American Academy of Pediatrics, which are as follows (Guidelines for Perinatal Care; American Academy

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of Pediatrics/American College of Obstetricians and Gynecologists; 1983; pg. 78):

- A) "NEONATE IDENTIFICATION. While the newborn is still in the delivery room, two identical bands indicating the mother's admission number, the neonate's sex, and the date and time of birth should be placed on the wrist or ankle. The nurse in charge of the delivery room is responsible for preparing and securely fastening these identification bands to the neonate. The birth records and identification bands should be checked by both the nurse and the responsible physician before the neonate leaves the resuscitation area of the delivery room. When the neonate is admitted to the nursery, both the delivery room nurse and the admitting nurse should check the identification bands and birth records, verify the sex of the neonate, and sign the neonate's record. The admitting nurse should fill out the bassinet card and attach it to the bassinet. Later, when the neonate is shown to the mother, she should be asked to verify the information on the identification bands and the sex of the neonate. It is imperative that delivery room and nursery personnel be meticulous in the preparation and placement of neonate identification bands."
- B) "Footprinting and fingerprinting have in the past been recommended for purposes of neonate identification. Techniques such as sophisticated blood typing are now available and appear to be more reliable. If utilized, dermatoglyphics should be done carefully. Individual hospitals may want to continue with footprinting and fingerprinting, but universal use of this practice is no longer recommended."
- 7) Within one hour after delivery, a one percent silver nitrate solution or ophthalmic ointment or drops containing tetracycline or erythromycin shall be instilled into the eyes of the newborn infant as a preventive against ophthalmia neonatorum. Do not irrigate immediately. This solution may be obtained free of charge from the Department.
- 8) Each infant shall be given complete individual cribside care. The use of a common bath table is prohibited. Scales shall be adequately protected to prevent cross-infection.

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- 9) Artificial feedings and formula changes shall not be instituted except by written order of the attending physician.
- 10) Facilities for drug services. ~~See Refer to~~ Section 250.2130(a).
- 11) Transport of newborn infants from the delivery room to the nursery shall be done in a safe manner. Adequate support systems (heating, oxygen, suction) should be incorporated into the transport units for these infants (e.g., to x-ray). Chilling of the newborn and cross-infection must be avoided. Where travel is excessive and through other areas, special transport incubators may be required. The method of transporting infants from the nursery to the mothers shall be individual, safe and free from cross-infection hazards.
- 12) The stay of the mother and the baby in the hospital after delivery should be planned to allow the identification of problems and to reinforce instructions in preparation for the infant's care at home. The mother and infant shall be carefully observed for a sufficient period of time and assessed prior to discharge to ensure that their conditions are stable. Healthy infants should be discharged from the hospital simultaneously with the mother or to other authorized (by the mother) personnel should the mother remain in the hospital for an extended stay. It is recommended that there be a provision for follow-up for the mothers and babies discharged within 24 hours. This follow-up should include a face-to-face encounter with a health care provider who will assess the condition of mother and baby and arrange for intervention if problems are identified.
- 13) When a patient's condition permits, an infant may be transferred from an intensive care nursery to the referring nursery or to another nursery that is nearest the home and at which an appropriate level of care may be provided.
- 14) Circumcisions by a Mohel shall be performed under aseptic conditions. Such circumcisions shall not be performed in the delivery room. A registered nurse or physician shall be in attendance and attendance by visitors shall be limited.
- 15) A single parenteral dose of vitamin K-1, water soluble 0.5 mgm, shall be given to the infant soon after birth as a prophylaxis against hemorrhagic disorder in the first days of life.

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- 16) Circumcisions shall not be done in the delivery room or within the first six hours after birth. A physician may order and perform a circumcision when the infant is over the age of 6 hours and is healthy and stable in the physician's professional judgment.
 - 17) The hospital shall adhere to the practices prescribed in Guidelines for Perinatal Care and Guidelines for Women's Health Care ~~the 1995 edition of the American Academy of Pediatrics publication entitled, "Standards and Recommendations for Hospital Care for Newborn Infants," and the (American College of Obstetricians and Gynecologists) (see Section 250.160). publication, "Standards for Obstetric Gynecologic Services."~~
- h) Medical Records
- 1) Obstetric records
 - A) For each patient there shall be adequate, accurate, and complete medical records. The medical records shall include findings during the prenatal period, which should be available in the maternity department prior to the patient's admission and shall include medical and obstetric history, observations and proceedings during labor, delivery and the postpartum period, and laboratory and x-ray findings.
 - B) Records shall be maintained in accordance with the minimum observations and laboratory tests outlined in Guidelines for Perinatal Care and Guidelines for Women's Health Care ~~the 1989 edition of the "Manual of Standards," American College of Obstetricians and Gynecologists.~~ The physician director of the maternity department shall require all physicians delivering obstetrics care to send copies of the prenatal records to the obstetrical unit at or before 37 weeks gestation.
 - 2) Infant records. For each infant there shall be accurate and complete medical records. The medical records shall include:
 - A) History of maternal health and prenatal course.
 - B) Description of labor, including drugs administered, method of delivery, complications of labor and delivery, and description of placenta and amniotic fluid.

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- C) Time of birth and condition of infant at birth, including Apgar score at one and five minutes, age respiration became spontaneous and sustained, description of resuscitation if required, description of abnormalities and problems occurring from birth until transfer from the delivery room.
 - D) Report of a complete and detailed physical examination within 24 hours following birth; report of a medical examination within 24 hours of discharge and one at least every three days during the hospital stay.
 - E) Physical measurements, including length, weight and head circumference at birth and weight every day; temperature twice daily.
 - F) Documentation of infant feeding: intake, content, and amount if by formula.
 - G) Clinical course during hospital stay, including treatment rendered and patient response; clinical note of status at discharge.
- 3) The hospital shall keep a record of births that contains data sufficient to duplicate the birth certificate. The requirement may be met:
- A) by retaining the yellow "hospital copy" of the birth certificate properly bound in chronological order, or
 - B) by retaining this copy with the individual medical record.
- i) Reports
- 1) Each hospital that provides maternity service shall submit a monthly perinatal activities report on forms provided for this purpose by the Department. This report shall be signed by a representative of the department preparing the document and shall be mailed not later than the 15th ~~fifteenth~~ of the following month.
 - 2) Maternal Death Report
 - A) The hospital shall submit an immediate report of the occurrence of a maternal death to the Department, in accordance with the

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Department's rules titled Maternal Death Review (77 Ill. Adm. Code 657). Maternal death is the death of any women dying of any cause whatsoever while pregnant or within one year after termination of the pregnancy, irrespective of the duration of the pregnancy at the time of the termination or the method by which it was terminated. A death shall be reported ~~when it involves any condition associated with gestation, such as normal pregnancy, abortion, or ectopic pregnancy,~~ regardless of whether the death occurred in the maternity division or any other section of the hospital, or whether the patient was delivered in the hospital where death occurred, or elsewhere. ~~This report shall also be made on the death of any woman within 90 days following the termination of a pregnancy.~~

- B) The filing of this report shall in no way preclude the necessity of filing a death certificate or of including the death on the Maternity Activities Report.
- 3) The hospital shall comply with the laws of the State and the regulations of the Department as regards the preparation and filing of birth, stillbirth, and death certificates.
- 4) Epidemic and Communicable Disease Reporting
 - A) The hospital shall develop a protocol for management and reporting of infections consistent with the Control of Communicable Diseases Code and with Guidelines for Perinatal Care and Guidelines for Women's Health Care policies and procedures described by the Academy of Pediatrics in "Standards and Recommendations for Hospital Care for Newborn Infants" and as approved by the Infection Control Committee. These policies shall be known to maternity and nursery personnel.
 - B) The facility shall particularly address those infections specifically related to mothers and infants, including but not limited to diarrhea of the newborn, staphylococcal infections occurring in infants under 28 days of age, and ophthalmia neonatorum.
- j) Formula
 - 1) If pasteurized, commercially prepared formula is used exclusively and no

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formula is prepared by the hospital, a formula room and formula room equipment are not required; however, adequate space, equipment and procedures acceptable to the Department for processing, handling and storing of commercially prepared formula shall be provided. Procedures and aseptic techniques shall be established and enforced. Provisions must be made for the preparation of special formula.

- 2) All hospitals providing maternity or pediatric services, ~~that which~~ prepare their own formula, shall provide a well-ventilated and well-lighted formula room, which shall be adequately supervised and used exclusively for the preparation of formulas.
 - 3) Equipment shall include hand-washing ~~handwashing~~ facilities with hot and cold running water with knee, foot or elbow controlled valves; a double section sink for washing and rinsing bottles; facilities for storing cleaning equipment, refrigeration facilities; utensils in good condition for preparation of formulas; cupboard and work space and a work table; an autoclave and a supply of individual formula bottles, nipples and protecting caps, adequate to prepare a 24-hour supply of formula and water for each infant. Procedures shall be established by the hospital and enforced.
- k) Visiting regulations
- 1) The visiting regulations set forth in Subpart B shall apply to maternity departments, except as modified in this subsection.
 - 2) It is recommended that visitors be limited to two per patient at any one time.
 - 3) Contact with the infant shall be restricted to the father, or one other adult selected by the mother, except as provided in subsection (k)(4) of this Section or as part of a rooming-in program as provided in Section 250.1850.
 - 4) Siblings and grandparents may have contact with the infant only if the hospital has established specific policies and procedures for such a program. The program shall ~~must~~ include:
 - A) Approval of the program by the hospital's Infection Control Committee and Governing Board;

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- B) A requirement for written consent of the mother for visitation by specific siblings or grandparents;
 - C) A procedure for hand washing by ~~handwashing~~ of visitors prior to having contact with the infant; and
 - D) A policy on the location where visitation will occur.
- 5) The presence of the father or individual selected by the mother in the delivery room shall be discretionary with the individual hospital. If the father or the individual selected by the mother of the baby is to be admitted to the delivery room of any hospital, the hospital shall first have adopted a policy statement on the matter that includes, among other things, ~~establishes~~ the following conditions:
- A) Written ~~written~~ consent of both the mother and the attending physician;
 - B) Prior ~~prior~~ orientation preparation of the father of the baby or the selected individual and mother to this experience; and
 - C) Application ~~application~~ of safeguards against the introduction of infection or other hazard by the father of the baby or selected individual.
- 6) Smoking shall be prohibited in the delivery rooms, nurseries, corridors and other areas in accordance with facility policy. (~~See Refer to Section~~ 250.250(g).)
- 7) Visiting hours shall not correspond with periods during which infants are with the mothers or with periods during which mothers are receiving nursing care, nor interfere with the care of patients.
- 8) Visitors shall neither sit nor place their clothing upon the beds.
- l) *Every hospital shall demonstrate to the Department that the following have been adopted:*
- 1) *Procedures designed to reduce the likelihood that an infant patient will be abducted from the hospital. The procedures may include, but need not be limited to, architectural plans to control access to infant care areas, video*

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camera observation of infant care areas, and procedures for identifying hospital staff and visitors.

- 2) *Procedures designed to aid in identifying allegedly abducted infants who are recovered. The procedures may include, but need not be limited to, footprinting infants by staff who have been trained in that procedure, photographing infants, and obtaining and retaining blood samples for genetic testing. (Section 6.15 of the Act)*

(Source: Amended at 27 Ill. Reg. 13467, effective July 25, 2003)

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section 250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility

- a) New Construction, Addition, or Major Alteration
 - 1) When construction is contemplated, either for new buildings or additions or material alterations to existing buildings coming within the scope of this Part ~~these standards~~, design development drawings and outline specifications shall be submitted to the Department for review. Approval of design development drawings and specifications shall be obtained from the Department prior to starting final working drawings and specifications. Comments or approval shall be provided within 30 days after receipt by the Department.
 - 2) Final Drawings
 - A) The final working drawings and specifications shall be submitted to the Department for review and approval prior to the beginning of construction. Alternative methods of design development and construction may be acceptable subject to the approval of the Department. Department approval is null and void if construction contracts are not executed and construction is not started within one year after the plan approval date. Comments by the Department shall be provided within 60 days after the day on which the submission is deemed complete.
 - B) The Department shall be notified of the award of construction contracts.

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- 3) Any contract modifications that affect or change the function, design, or purpose of a facility shall be submitted to the Department for approval prior to authorizing the modifications. Comments or approval shall be provided within 30 days after receipt by the Department.
 - 4) The Department shall be notified when construction has been completed or whenever any area is occupied.
 - 5) As-built drawings ~~shall~~ ~~should~~ be maintained by the hospital.
- b) Minor Alterations and Remodeling. Minor alterations or remodeling changes that do not affect the structural integrity of the building, that do not change functional operation, that do not affect fire safety, and that do not add beds or facilities over those for which the hospital is licensed need not be submitted for approval.
- c) Alterations of Water Supply, Plumbing and Drainage. No system of water supply, plumbing, sewage, garbage or refuse disposal shall be installed, nor ~~shall~~ any such existing system ~~be~~ materially altered or extended, until complete plans and specifications for the installation, alteration or extension have been submitted to the Department and have been reviewed and approved.
- d) Codes and Standards
- 1) Nothing stated in this Part shall relieve the sponsor from compliance with building codes, ordinances, and regulations that are enforced by city or county jurisdictions.
 - 2) The recommendations of the International ~~BOCA National~~ Building Code shall apply insofar as such recommendations are not in conflict with the standards set forth in this Part or with the National Fire Protection Association (NFPA) Standard No. 101, "Life Safety Code." ~~B)~~ The International ~~BOCA National~~ Building Code is intended as a model code for municipalities with no building code ~~Building Code~~ of their own.
 - A) ~~The portions of the BOCA National Building Code requiring automatic extinguishing systems in all hospitals, smoke detectors in all patient rooms, and automatic door closers on all patient room doors are hereby specifically excluded from these requirements.~~

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- B) The International~~BOCA National~~ Building Code is intended as a model code for municipalities with no building code ~~Building Code~~ of their own.
- C) ~~NFPA Standard No.101-M, "Alternative Approaches to Life Safety," shall apply only if the Department determines that the proposed equivalent system is safe and does not constitute a hazard to the life and safety of the staff and patients.~~
- 3) The codes and standards referenced in this Part can be ordered from the various agencies at the addresses listed in Section 250.160 and are effective on the dates cited in that Section.

(Source: Amended at 27 Ill. Reg. 13467, effective July 25, 2003)

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- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3) Section Numbers:

<u>Section Numbers:</u>	<u>Adopted Action:</u>
515.100	Amended
515.370	Repealed
515.590	Amended
515.610	Amended
515.725	Amended
515.730	Amended
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) Effective date of rules/amendments: July 25, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice(s) of Proposal was Published in Illinois Register: December 20, 2002 – 26 Ill. Reg. 17298
- 10) Has JCAR issued a Statement of Objection to this/these rules? No
- 11) Difference between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In the table of Contents, "515.540 Complaints" was added to reflect the rulemaking adopted January 10, 2003.
2. In the Source Note, "amended at 27 Ill. Reg. 1277, effective January 10, 2003;" was added after "2001;".
3. In the definitions of "Emergency Communications Registered Nurse" and

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“Pre-Hospital Registered Nurse or Pre-Hospital RN” in Section 515.100, “Illinois” and “of 1987” were stricken and “and Advanced Practice Nursing” was added.

4. After the definition of “Fixed-Wing Aircraft in Section 515.100, “Intermediate life” was deleted.
5. The following was added in Section 515.590 to reflect amendments adopted January 10, 2003: “c) EMT-Is and EMT-Ps shall complete a transition program for all sections of the National Standard Curriculum that are not currently in place in their System. This course may be completed as continuing education and shall be completed within the four-year licensing period.”
6. In Section 515.590, “c)” was changed to “d)”.
7. In Section 515.590, “d)” was changed to “e)”.
8. In Section 515.590, “e)” was changed to “f)”.
9. In Section 515.590, “f)” was changed to “g)”.
10. In Section 515.590, “g)” was changed to “h)”.
11. In Section 515.590, “i)” was changed to “j)”.
12. In Section 515.590, “j)” was changed to “k)”.

The following changes were made in response to comments and suggestions of the JCAR:

1. In Section the definitions of “Emergency Communications Registered Nurse or ECRN” and “Pre-Hospital Registered Nurse or Pre-Hospital RN” in Section 515.100, “and Advanced Practice Nursing” was italicized.
2. In Section 515.590(a)(2)(C)(vi), “(if applicable)” was deleted.
3. In Sections 515.725(g)(2)(D) and 515.730(c)(3)(D), “and” was stricken.
4. In Sections 515.725(g)(2)(E) and 515.730(c)(3)(E), the period was stricken and “and” was added.

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5. In Section 515.725(g)(2) and 515.730(c)(3), “F) AED.” was added.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

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

15) Summary and purpose of the amendments:

The rules in Part 515 regulate the provision of emergency medical services in Illinois. The rules are being amended to reflect changes in the First Responder - AED, EMT-B and EMT-I curriculum in regard to the use of Automated External Defibrillators.

Section 515.100 (Definitions) is being amended to add a definition of “ACPR for Healthcare Providers,” and to update statutory references.

Section 515.370 (Automated Defibrillator) is being repealed. Separate courses will no longer be required, since AED training is now part of the training courses.

Sections 515.590 (EMT License Renewals) and 515.610 (EMT Reciprocity) are being amended to include reference to the CPR for Healthcare Providers course.

Section 515.725 (First Responder - AED) is being amended to change the AED training component to Lesson 4-3 of the EMT-Basic Curriculum. Reference to the CPR for Healthcare Providers is also included.

Section 515.730 (Pre-Hospital Registered Nurse) is being amended to include reference to the CPR for Healthcare Providers.

16) Information and questions regarding these adopted amendments shall be directed to:

Peggy Snyder
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us

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

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515

EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

SUBPART A: GENERAL

Section	
515.100	Definitions
515.125	Incorporated and Referenced Materials
515.150	Waiver Provisions
515.160	Violations, Hearings and Fines
515.170	Employer Responsibility

SUBPART B: EMS REGIONS

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515.200	Emergency Medical Services Regions
515.210	EMS Regional Plan Development
515.220	EMS Regional Plan Content
515.230	Resolution of Disputes Concerning the EMS Regional Plan
515.240	Bioterrorism Grants

SUBPART C: EMS SYSTEMS

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515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course
515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment
515.370	Automated Defibrillation (<u>Repealed</u>)
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation
515.400	General Communications

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515.410	EMS System Communications
515.420	System Participation Suspensions
515.430	Suspension, Revocation and Denial of Licensure of EMTs
515.440	State Emergency Medical Services Disciplinary Review Board
515.445	Pediatric Care
515.450	Complaints

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

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515.500	Emergency Medical Technician-Basic Training
515.510	Emergency Medical Technician-Intermediate Training
515.520	Emergency Medical Technician-Paramedic Training
515.530	EMT Testing and Fees
515.540	EMT Licensure
515.550	Scope of Practice – Licensed EMT
515.560	EMT-B Continuing Education
515.570	EMT-I Continuing Education
515.580	EMT-P Continuing Education
515.590	EMT License Renewals
515.600	EMT Inactive Status
515.610	EMT Reciprocity

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section	
515.700	EMS Lead Instructor
515.710	Emergency Medical Dispatcher
515.720	First Responder
515.725	First Responder – AED
515.730	Pre-Hospital Registered Nurse
515.740	Emergency Communications Registered Nurse
515.750	Trauma Nurse Specialist
515.760	Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

Section	
515.800	Vehicle Service Provider Licensure

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- 515.810 EMS Vehicle System Participation
- 515.820 Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
- 515.825 Alternate Response Vehicle
- 515.830 Ambulance Licensing Requirements

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY MEDICAL SERVICES
VEHICLE (SEMSV) PROGRAMS

- Section
- 515.900 Licensure of SEMSV Programs – General
- 515.910 Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
- 515.920 SEMSV Program Licensure Requirements for All Vehicles
- 515.930 Helicopter and Fixed-Wing Aircraft Requirements
- 515.935 EMS Pilot Specifications
- 515.940 Aeromedical Crew Member Training Requirements
- 515.945 Aircraft Vehicle Specifications and Operation
- 515.950 Aircraft Medical Equipment and Drugs
- 515.955 Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
- 515.960 Aircraft Communications and Dispatch Center
- 515.965 Watercraft Requirements
- 515.970 Watercraft Vehicle Specifications and Operation
- 515.975 Watercraft Medical Equipment and Drugs
- 515.980 Watercraft Communications and Dispatch Center
- 515.985 Off-Road SEMSV Requirements
- 515.990 Off-Road Vehicle Specifications and Operation
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SUBPART H: TRAUMA CENTERS

- Section
- 515.2000 Trauma Center Designation
- 515.2010 Denial of Application for Designation or Request for Renewal
- 515.2020 Inspection and Revocation of Designation
- 515.2030 Level I Trauma Center Designation Criteria
- 515.2035 Level I Pediatric Trauma Center
- 515.2040 Level II Trauma Center Designation Criteria
- 515.2045 Level II Pediatric Trauma Center
- 515.2050 Trauma Center Uniform Reporting Requirements

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- 515.2060 Trauma Patient Evaluation and Transfer
- 515.2070 Trauma Center Designation Delegation to Local Health Departments
- 515.2080 Trauma Center Confidentiality and Immunity
- 515.2090 Trauma Center Fund
- 515.2100 Pediatric Care (Renumbered)
- 515.2200 Suspension Policy for Trauma Nurse Specialist Certification

SUBPART I: EMS ASSISTANCE FUND

- Section
515.3000 EMS Assistance Fund Administration

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

- Section
515.4000 Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
515.4010 Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
- 515.APPENDIX A A Request for Designation (RFD) Trauma Center
 - 515.APPENDIX B A Request for Renewal of Trauma Center Designation
 - 515.APPENDIX C Minimum Trauma Field Triage Criteria
 - 515.APPENDIX D Standing Medical Orders
 - 515.APPENDIX E Minimum Prescribed Data Elements
 - 515.APPENDIX F Template for In-House Triage for Trauma Centers
 - 515.APPENDIX G Credentials of General/Trauma Surgeons Level I and Level II
 - 515.APPENDIX H Credentials of Emergency Department Physicians Level I and Level II
 - 515.APPENDIX I Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
 - 515.APPENDIX J Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers
 - 515.APPENDIX K Application for Facility Recognition for Emergency Department with Pediatrics Capabilities
 - 515.APPENDIX L Pediatric Equipment Recommendations for Emergency Departments
 - 515.APPENDIX M Interfacility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

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SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003.

SUBPART A: GENERAL

Section 515.100 Definitions

For the purposes of this Part:

Act – the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

Advanced Life Support (ALS) Services – an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the Advanced Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Aeromedical Crew Member or Watercraft Crew Member or Off-road SEMSV Crew Member – an individual, other than an EMS pilot, who has been approved by an SEMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on an off-road SEMSV used in a Department-certified SEMSV Program.

Alternate EMS Medical Director or Alternate EMSMD – the physician who is designated by the Resource Hospital to direct the ALS/ILS/BLS operations in the absence of the EMS Medical Director.

Ambulance – any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped for, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick,

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injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such an individual. (Section 3.85 of the Act)

Ambulance Service Provider or Ambulance Provider – any individual, group of individuals, corporation, partnership, association, trust, joint venture, unit of local government or other public or private ownership entity that owns and operates a business or service using one or more ambulances or EMS vehicles for the transportation of emergency patients.

Associate Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting training programs nor the responsibility for the overall operation of the EMS System program. The Associate Hospital must have a basic or comprehensive Emergency Department with 24-hour physician coverage. It must have a functioning Intensive Care Unit and/or a Cardiac Care Unit.

Associate Hospital EMS Coordinator – the EMT-P or Registered Nurse at the Associate Hospital who shall be responsible for duties in relation to the ALS, ILS or BLS System, in accordance with the Department-approved EMS System Program Plan.

Associate Hospital EMS Medical Director – the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the ALS, ILS, or BLS System, in accordance with the Department-approved EMS System Program Plan.

Basic Emergency Department – a classification of a hospital Emergency Department where at least one physician is available in the Emergency Department at all times; physician specialists are available in minutes; and ancillary services including laboratory, x-ray and pharmacy are staffed or are "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

Basic Life Support (BLS) Services – a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in a Basic Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

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Board Eligible in Emergency Medicine – completion of a residency in Emergency Medicine in a program approved by the Residency Review Committee for Emergency Medicine or the Council on Postdoctoral Training (COPT) for the American Osteopathic Association (AOA).

Certified Registered Nurse Anesthetist or CRNA – a licensed registered professional nurse who has had additional education beyond the registered professional nurse requirements at a school/program accredited by the National Council on Accreditation, and passed the certifying exam given by the National Council on Certification, and who by participating in 40 hours of continuing education every two years, has been recertified by the National Council on Recertification.

Channel, Half-Duplex – a radio channel that transmits and receives signals, but in only one direction at a time.

CME – continuing medical education.

Comprehensive Emergency Department – a classification of a hospital Emergency Department where at least one licensed physician is available in the Emergency Department at all times; physician specialists shall be available in minutes; and ancillary services including laboratory and x-ray are staffed at all times; and pharmacy is staffed or "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

CPR for Healthcare Providers – a course in cardiopulmonary resuscitation that meets or exceeds the American Heart Association course "BLS for Healthcare Providers".

Department – the Illinois Department of Public Health. (Section 3.5 of the Act)

Director – the Director of the Illinois Department of Public Health or his/her designee. (Section 3.5 of the Act)

Dysrhythmia – a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and conduction.

Effective Radiated Power (ERP) – the power gain of a transmitting antenna multiplied by the net power accepted by the antenna from the connected transmitter.

Electrocardiogram (EKG) – a single lead graphic recording of the electrical activity of the heart by a series of deflections that represent certain components of the cardiac cycle.

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Emergency – a medical condition of recent onset and severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required. (Section 3.5 of the Act)

Emergency Communications Registered Nurse or ECRN – a registered professional nurse, licensed under the ~~Illinois~~ Nursing and Advanced Practice Nursing Act [225 ILCS 65] of 1987, who has successfully completed supplemental education in accordance with this Part and who is approved by an EMS Medical Director to monitor telecommunications from and give voice orders to EMS System personnel, under the authority of the EMS Medical Director and in accordance with System protocols. (Section 3.80 of the Act) These individuals were formerly called MICNS.

Emergency Medical Dispatcher – a person who has successfully completed a training course in emergency medical dispatching meeting or exceeding the National Curriculum of the United States Department of Transportation in accordance with this Part, who accepts calls from the public for emergency medical services and dispatches designated emergency medical services personnel and vehicles. (Section 3.70 of the Act)

Emergency medical dispatch priority reference system (EMDPRS) – an EMS System's organized approach to the receipt, management and disposition of a request for emergency medical services.

Emergency Medical Services (EMS) System or System – an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a System Program Plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the EMS Region in which the System is located. (Section 3.20 of the Act)

Emergency Medical Services System Survey – a questionnaire that provides data to the Department for the purpose of compiling annual reports.

Emergency Medical Technician-Basic or EMT-B – a person who has successfully completed a course of instruction in basic life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an EMS System. (Section 3.50 of the Act)

Emergency Medical Technician-Coal Miner – for purposes of the Coal Mine Medical Emergencies Act, an EMT-B, EMT-I or EMT-P who has received training emphasizing extrication from a coal mine.

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Emergency Medical Technician-Intermediate or EMT-I – a person who has successfully completed a course of instruction in intermediate life support as prescribed by the Act and this Part and practices within an Intermediate or Advanced Life Support EMS System. (Section 3.50 of the Act)

Emergency Medical Technician-Paramedic or EMT-P – a person who has successfully completed a course of instruction in advanced life support care as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an Advanced Life Support EMS System. (Section 3.50 of the Act)

EMS Administrative Director – the administrator, appointed by the Resource Hospital with the approval of the EMS Medical Director, responsible for the administration of the EMS System.

EMS Medical Director or EMSMD – the physician, appointed by the Resource Hospital, who has the responsibility and authority for total management of the EMS System.

EMS Lead Instructor – a person who has successfully completed a course of education as prescribed by the Department in this Part, and who is currently approved by the Department to coordinate or teach education, training and continuing education courses, in accordance with this Part. (Section 3.65 of the Act)

EMS Regional Plan – a plan established by the EMS Medical Director's Committee in accordance with Section 3.30 of the Act.

EMS System Coordinator – the designated individual responsible to the EMS Medical Director and EMS Administrative Director for coordination of the educational and functional aspects of the System program.

EMS System Program Plan – the document prepared by the Resource Hospital and approved by the Department that describes the EMS System program and directs the program's operation.

First Responder – a person who has successfully completed a course of instruction in emergency first response as prescribed by the Department, who provides first response services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the emergency first response course. (Section 3.60 of the Act)

First Response Services – a preliminary level of pre-hospital emergency care that

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includes cardiopulmonary resuscitation (CPR), monitoring vital signs and control of bleeding, as outlined in the First Responder curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part.
(Section 3.10 of the Act)

Fixed-Wing Aircraft – an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings. ~~Intermediate life~~

Full-Time – on duty a minimum of 36 hours, four days a week.

Health Care Facility – a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed. It does not include "pre-hospital emergency care settings" which utilize EMTs to render pre-hospital emergency care prior to the arrival of a transport vehicle, as defined in the Act and this Part.
(Section 3.5 of the Act)

Helicopter or Rotorcraft – an aircraft that is capable of vertical take offs and landings, including maintaining a hover.

Hospital – *has the meaning ascribed to that term in Section 3 of the Hospital Licensing Act [210 ILCS 85].* (Section 3.5 of the Act)

Instrument Flight Rules or IFR – the operation of an aircraft in weather minimums below the minimums for flight under visual flight rules (VFR). (See General Operating and Flight Rules, 14 CFR 91.115 through 91.129.)

Instrument Meteorological Conditions (IMC) – meteorological conditions expressed in terms of visibility, distance from clouds and ceiling, which require Instrument Flight Rules.

Intermediate Life Support (ILS) Services – an intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures as outlined in the Intermediate Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Level I Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2030 of this Part to provide optimal care to trauma patients and to provide all essential services in-house, 24 hours

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per day.

Level II Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2040 of this Part to provide optimal care to trauma patients, to provide some essential services available in-house 24 hours per day, and to provide other essential services readily available 24 hours a day.

Limited Operation Vehicle – a vehicle which is licensed by the Department to provide basic, intermediate or advanced life support emergency or non-emergency medical services that are exclusively limited to specific events or locales. (Section 3.85 of the Act)

Local System Review Board – a group established by the Resource Hospital to hear appeals from EMTs or other providers who have been suspended or have received notification of suspension from the EMS Medical Director.

Mobile Radio – a two-way radio installed in an EMS vehicle, which may not be readily removed.

Morbidity – a negative outcome that is the result of the original trauma and/or treatment rendered or omitted.

911 – an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services including police, fire, medical ambulance and rescue.

Non-emergency Medical Care – medical services rendered to patients whose condition does not meet the Act's definition of emergency, during transportation of such patients to health care facilities for the purpose of obtaining medical or health care services which are not emergency in nature, using a vehicle regulated by the Act and this Part. (Section 3.10 of the Act)

Off-Road Specialized Emergency Medical Services Vehicle or Off-Road SEMSV or Off-Road SEMS Vehicle – a motorized cart, golf cart, all-terrain vehicle (ATV), or amphibious vehicle that is not intended for use on public roads.

Participating Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which is not a Resource Hospital or an Associate Hospital.

Pediatric Trauma Patient – trauma patient from birth to 15 years of age.

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Physician – any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 90].

Pilot or EMS Pilot – a pilot certified by the Federal Aviation Administration who has been approved by an SEMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SEMSV Program.

Portable Radio – a hand-held radio that accompanies the user during the conduct of emergency medical services.

Pre-Hospital Care – those emergency medical services rendered to emergency patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to hospitals. (Section 3.10 of the Act)

Pre-Hospital Care Provider – a System Participant or any EMT-B, I, P, Ambulance, Ambulance Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, ECRN or Physician serving on an ambulance or giving voice orders over an EMS System and subject to suspension by the EMS Medical Director of that System in accordance with the policies of the EMS System Program Plan approved by the Department.

Pre-Hospital Registered Nurse or Pre-Hospital RN – a registered professional nurse, licensed under the ~~Illinois~~ Illinois Nursing and Advanced Practice Nursing Act of 1987, who has successfully completed supplemental education in accordance with this Part and who is approved by an EMS Medical Director to practice within an EMS System as emergency medical services personnel for pre-hospital and inter-hospital emergency care and non-emergency medical transports. (Section 3.80 of the Act) This individual was formerly called a Field RN.

Regional EMS Advisory Committee – a committee formed within an Emergency Medical Services (EMS) Region to advise the Region's EMS Medical Directors Committee and to select the Region's representative to the State Emergency Medical Services Advisory Council, consisting of at least the members of the Region's EMS Medical Directors Committee, the Chair of the Regional Trauma Committee, the EMS System Coordinators from each Resource Hospital within the Region, one administrative representative from an Associate Hospital within the Region, one administrative representative from a Participating Hospital within the Region, one administrative representative from the vehicle service provider which responds to the highest number of calls for emergency service within the Region, one administrative representative of a vehicle service provider from each System within the Region, one Emergency Medical Technician (EMT)/Pre-

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Hospital RN from each level of EMT/Pre-Hospital RN practicing within the Region, and one registered professional nurse currently practicing in an Emergency Department within the Region. Of the two administrative representatives of vehicle service providers, at least one shall be an administrative representative of a private vehicle service provider. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's EMS Advisory Committee. (Section 3.25 of the Act)

Regional EMS Coordinator – the designee of the Chief, Division of Emergency Medical Services and Highway Safety, Illinois Department of Public Health.

Regional EMS Medical Directors Committee – a group *comprised of the Region's EMS Medical Directors, along with the medical advisor to a fire department vehicle service provider. For Regions that include a municipal fire department serving a population of over 2,000,000 people, that fire department's medical advisor shall serve on the Committee. For other Regions, the fire department vehicle service providers shall select which medical advisor to serve on the Committee on an annual basis. (Section 3.25 of the Act)*

Regional Trauma Advisory Committee – a committee formed within an Emergency Medical Services (EMS) Region, to advise the Region's Trauma Center Medical Directors Committee, consisting of at least the Trauma Center Medical Directors and Trauma Coordinators from each Trauma Center within the Region, one EMS Medical Director from a Resource Hospital within the Region, one EMS System Coordinator from another Resource Hospital within the Region, one representative each from a public and private vehicle service provider which transports trauma patients within the Region, an administrative representative from each Trauma Center within the Region, one EMT representing the highest level of EMT practicing within the Region, one emergency physician and one Trauma Nurse Specialist (TNS) currently practicing in a Trauma Center. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's Trauma Advisory Committee. (Section 3.25 of the Act)

Registered Nurse or Registered Professional Nurse or RN – a person who is licensed as a professional nurse under the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

Resource Hospital – the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan. The Resource Hospital, through the EMS Medical Director, assumes responsibility for the entire program, including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and provide for equipment exchange for

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participating EMS vehicles.

SEMSV Medical Control Point or Medical Control Point – the communication center from which the SEMSV Medical Director or his or her designee issues medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

SEMSV Medical Director or Medical Director – the physician appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part.

SEMSV Program or Specialized Emergency Medical Services Vehicle Program – a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, utilizing specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

Specialized Emergency Medical Services Vehicle or SEMSV – a vehicle or conveyance, other than those owned or operated by the federal government, that is primarily intended for use in transporting the sick or injured by means of air, water, or ground transportation, that is not an ambulance as defined in the Act. The term includes watercraft, aircraft and special purpose ground transport vehicles not intended for use on public roads. (Section 3.85 of the Act) "Primarily intended", for the purposes of this definition, means one or more of the following:

Over 50 percent of the vehicle's operational (e.g., in-flight) hours are devoted to the emergency transportation of the sick or injured;

The vehicle is owned or leased by a hospital or ambulance provider and is used for the emergency transportation of the sick or injured;

The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured;

The vehicle is owned, registered or licensed in another state and is used on a regular basis to pick up and transport the sick or injured within or from within this State; or

The vehicle's structure or permanent fixtures have been specifically designed to accommodate the emergency transportation of the sick or injured.

Standby Emergency Department – a classification of a hospital Emergency Department

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where at least one of the registered nurses on duty in the hospital is available for emergency services at all times; and a licensed physician is "on-call" to the Emergency Department at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

Special-Use Vehicle – any public or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated solely for, the emergency or non-emergency transportation of a specific medical class or category of persons who are sick, injured, wounded or otherwise incapacitated or helpless (e.g., high-risk obstetrical patients, neonatal patients). (Section 3.85 of the Act)

State EMS Advisory Council – a group that advises the Department on the administration of the Act and this Part whose members are appointed in accordance with Section 3.200 of the Act.

System Participation Suspension – the suspension from participation within an EMS System of an individual or individual provider, as specifically ordered by that System's EMS Medical Director.

Substantial Compliance – meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Substantial Failure – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Sustained Hypotension – two systolic blood pressures of 90 mmHg five minutes apart or, in the case of a pediatric patient, two systolic blood pressures of 80 mmHg five minutes apart.

Telecommunications Equipment – a radio capable of transmitting and/or receiving voice and electrocardiogram (EKG) signals.

Telemetry – the transmission of data by wire, radio, or other means from remote sources to a receiving station for recording and analysis.

Trauma – any significant injury which involves single or multiple organ systems. (Section 3.5 of the Act)

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Trauma Category I – a classification of trauma patients in accordance with Section 515.Appendix C and 515.Appendix F of this Part.

Trauma Category II – a classification of trauma patients in accordance with Section 515.Appendix C and 515.Appendix F of this Part.

Trauma Center – a hospital which: within designated capabilities provides care to trauma patients; participates in an approved EMS System; and is duly designated pursuant to the provisions of the Act. (Section 3.90 of the Act)

Trauma Center Medical Director – the trauma surgeon appointed by a Department-designated Trauma Center who has the responsibility and authority for the coordination and management of patient care and trauma services at the Trauma Center. He or she must have 24-hour independent operating privileges and shall be board certified in surgery with at least one year of experience in trauma care.

Trauma Center Medical Directors Committee – a group composed of the Region's Trauma Center Medical Directors. (Section 3.25 of the Act)

Trauma Coordinator – a registered nurse working in conjunction with the Trauma Medical Director. The Trauma Coordinator is responsible for the organization of service and systems necessary for a multidisciplinary approach throughout the continuum of trauma care.

Trauma Nurse Specialist or TNS – a registered professional nurse who has successfully completed education and testing requirements as prescribed by the Department, and is certified in accordance with this Part. (Section 3.75 of the Act)

Trauma Nurse Specialist Course Coordinator (TNSCC) – a registered nurse appointed by the Chief Executive Officer of a hospital designated as a TNS Training Site, who meets the requirements of Section 515.750 of this Part.

Trauma Service – an identified hospital surgical service in a Level I or Level II Trauma Center functioning under a designated trauma director in accordance with Sections 515.2030(c) and 515.2040(c) of this Part.

Unit Identifier – a number assigned by the Department for each EMS vehicle in the State to be used in radio communications.

Vehicle Service Provider – an entity licensed by the Department to provide emergency or non-emergency medical services in compliance with the Act and this Part and an

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operational plan approved by its EMS System(s), utilizing at least ambulances or specialized emergency medical service vehicles (SEMSV). (Section 3.85 of the Act)

Watercraft – a nautical vessel, boat, airboat, hovercraft or other vehicle that operates in, on or across water.

(Source: Amended at 27 Ill. Reg. 13507, effective July 25, 2003)

SUBPART C: EMS SYSTEMS

Section 515.370 Automated Defibrillation (Repealed)

- a) ~~Automated Defibrillator Operation training is a mandatory component of the EMT-P training established by Section 515.520 of this Part. Separate course approval is therefore not necessary.~~
- b) ~~To be approved by the Department, a First Responder, EMT-B or EMT-I Automated Defibrillator Operation course shall include the following:~~
- 1) ~~A curriculum based on Section 9 of the United States Department of Transportation, Emergency Medical Technician-Intermediate: National Standard Curriculum;~~
 - 2) ~~A requirement that the First Responder, EMT-B or EMT-I shall pass both a written and a practical examination as a condition of completing the course. The examinations shall be developed and evaluated by the EMS Medical Director or designee and shall be designed to measure the First Responder's or EMT's knowledge and skills to operate an automated defibrillator safely and effectively.~~
- e) ~~A System may include the course in Automated Defibrillator Operation as part of an initial First Responder, EMT-B or EMT-I training program or may offer such training to persons already approved as First Responders or licensed as an EMT-B or EMT-I.~~

(Source: Repealed at 27 Ill. Reg. 13507, effective July 25, 2003).

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section 515.590 EMT License Renewals

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- a) To be relicensed as an EMT:
- 1) The licensee shall file an application for renewal with the Department on a form prescribed by the Department at least 30 days prior to the license expiration date.
 - A) The submission of a transaction card (Form No. IL 482-0837) by the EMS Medical Director will satisfy the renewal application requirement for a licensee who has been recommended for relicensure by the EMS Medical Director.
 - B) A licensee who has not been recommended for relicensure by the EMS Medical Director must independently submit to the Department an application for renewal. The EMS Medical Director shall provide the licensee with a copy of the appropriate form to be completed.
 - 2) A written recommendation signed by the EMS Medical Director must be provided to the Department regarding completion of the following requirements:
 - A) One hundred twenty hours of continuing education, seminars and workshops, addressing both adult and pediatric care. The System shall define in the Program Plan the number of continuing education hours to be accrued each year for relicensure. No more than 25 percent of those hours may be in the same subject.
 - B) Any System continuing education requirements for an EMT approved to operate an automated defibrillator shall be included in the required 120 continuing education hours.
 - C) A current CPR for Healthcare Providers completion card that covers:
 - i) Adult one-rescuer CPR,
 - ii) Adult foreign body airway obstruction management,
 - iii) Pediatric one-rescuer CPR,
 - iv) Pediatric foreign body airway obstruction management, ~~and~~

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- v) Adult two-rescuer CPR, and-
 - vi) AED.
- D) Functioning within a State-approved EMS System providing the licensed level of life support services as verified by that System's EMS Medical Director.
- b) Composition of continuing education programs and qualifications of instructors shall be submitted to the Department for approval not less than 60 days prior to the scheduled event. Program approval will be granted provided the program is conducted in accordance with guidelines of the Department of Transportation's National Standard Curriculum for EMTs and contains material relevant to that level of licensure. Qualifications of instructors shall be consistent with Section 515.700.
 - c) EMT-Is and EMT-Ps shall complete a transition program for all sections of the National Standard Curriculum that are not currently in place in their System. This course may be completed as continuing education and shall be completed within the four-year licensing period.
 - d) If the EMS Medical Director does not recommend relicensure, he/she shall submit all reasons for denial in writing to the EMT and the Department.
 - e) The license of an EMT who has failed to file an application for renewal shall terminate on the day following the expiration date shown on the license.
 - f) At any time prior to the expiration of the current license, an EMT-I or EMT-P may revert to the EMT-B status for the remainder of the license period. The EMT-I or EMT-P must make this request in writing to the Department. To relicense at the EMT-B level, the individual must meet the EMT-B requirements for relicensure.
 - g) An EMT-I or EMT-P who has reverted to EMT-B status may be subsequently relicensed as an EMT-I or EMT-P, upon the recommendation of an EMS Medical Director who has verified that the individual's knowledge and clinical skills are at an active EMT-I or EMT-P level, and that the individual has completed any retraining, education or testing deemed necessary by the EMSMD for resuming EMT-I or EMT-P activities.

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- h) Any EMT whose license has expired for a period of more than 60 days shall be required to reapply for licensure, complete the training program and pass the test, and pay the fees as required for initial licensure (see subsection (i) below).
- i) The Department *shall require the licensee to certify on the renewal application form, under penalty of perjury, that he or she is not more than 30 days delinquent in complying with a child support order.* (Section 10-65(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(c)])
- j) An EMT whose license has expired may, within 60 days after licensure expiration, submit all relicensure material as required in this Part and a fee of \$50 in the form of a certified check or money order (cash or personal check will not be accepted). If all material is in order and there is no disciplinary action pending against the EMT, the Department will relicense the EMT.
- k) At any time prior to the expiration of the current license, an EMT may revert to First Responder status for the remainder of the license period. The EMT must make this request in writing to the Department. To re-register as a First Responder, the individual must meet the requirements for First Responder registration.

(Source: Amended at 27 Ill. Reg. 13507, effective July 25, 2003)

Section 515.610 EMT Reciprocity

- a) EMTs from other states who wish to function in Illinois as an Emergency Medical Technician may apply to the Department for licensure by reciprocity.
- b) Such application shall be in writing and contain the following information:
 - 1) Proof of current registration by the state in which he/she currently functions and written verification from that state or current registration with the National Registry of Emergency Medical Technicians and written verification thereof;
 - 2) A written statement of satisfactory completion of a training program that meets or exceeds the requirements of the Department as set forth in this Part;
 - 3) A letter of recommendation from the EMS Medical Director of the EMS System in the state from which the individual came. This letter should

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include a statement that the EMT is currently in good standing and up to date with continuing education hours; and

- 4) A current CPR for Healthcare Providers completion ~~completion~~ card.
- c) The Department will review requests for reciprocity to determine compliance with the applicable provisions of this Part. Continuing education hours from the state of current licensure will be prorated based on the expiration date of the current license.
- d) Individuals who meet the requirements for licensure by reciprocity will be State licensed consistent with the expiration date of their current license but not to exceed a period of four years.
- e) Following licensure by reciprocity, the individual must comply with the requirements of this Part for relicensure.

(Source: Amended at 27 Ill. Reg. 13507, effective July 25, 2003)

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section 515.725 First Responder – AED

- a) *A person currently approved as a First Responder may utilize an automated external defibrillator (AED) if the First Responder:*
 - 1) *Has successfully completed a Department approved course in automated external defibrillator operation; and*
 - 2) *Is functioning within a Department approved EMS System providing first response services as verified by the EMSMD. (Section 3.55(a-5) of the Act)*
- b) Continuing education classes, seminars, clinical time, workshops or other types of programs shall be approved by the Department before being offered to First Responder – AEDs. An application for approval shall be submitted to the Department on a form prescribed, prepared and furnished by the Department, at least 60 days prior to the scheduled event.

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- c) Approval will be granted provided the application is complete and the content of the program is based on topics or materials from the United States Department of Transportation National Standard Curriculum for EMT-Basic, Lesson 4-3, Cardiovascular Emergencies~~First Responder – AEDs~~. Upon approval, the Department will issue a site code to the class, seminar, workshop or program.
- d) A First Responder – AED shall be responsible for submitting written proof of continuing education attendance to the EMS System Coordinator or the Department Regional EMS Coordinator. The EMS System Coordinator or Department Regional EMS Coordinator shall be solely responsible for verifying whether specific continuing education hours have been earned by the First Responder – AED.
- e) A First Responder – AED shall be responsible for maintaining copies of all documentation concerning continuing education programs that he or she has completed.
- f) A First Respondent – AED registration shall be valid for a period of four years. To be re-registered as a First Responder – AED, the First Responder – AED shall file an application for renewal with the Department, on a form prescribed by the Department, at least 30 days prior to the license expiration date.
- 1) The submission of a transaction card (Form No. IL 482-0837) by the EMS Medical Director will satisfy the renewal application requirement for a First Responder – AED who has been recommended for re-registration by the EMS Medical Director.
 - 2) A First Responder – AED who has not been recommended for re-registration by the EMS Medical Director must independently submit to the Department an application for renewal. The EMS Medical Director shall provide the First Responder – AED with a copy of the appropriate form to be completed.
- g) A written recommendation signed by the EMSMD must be provided to the Department regarding completion of the following requirements:
- 1) Twenty-four hours of continuing education every four years. The System shall define in the EMS Program Plan the number of continuing education hours to be accrued each year for re-registration; and
 - 2) A current CPR for Healthcare Providers ~~completion~~ card that covers:

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- A) Adult one-rescuer CPR,
 - B) Adult foreign body airway obstruction management,
 - C) Pediatric one-rescuer CPR,
 - D) Pediatric foreign body airway obstruction management, ~~and~~
 - E) Adult two-rescuer CPR, and-
 - F) AED.
- h) At any time prior to the expiration of the current registration, a First Responder – AED may revert to First Responder status for the remainder of the registration period. The First Responder must make this request in writing to the Department. To re-register at the First Responder – AED level, the individual must meet the First Responder – AED requirements for re-registration.
- i) A First Responder – AED who has reverted to First Responder status may be subsequently re-registered as a First Responder – AED, upon the recommendation of an EMS Medical Director who has verified that the individual's knowledge and clinical skills are at an active First Responder – AED level, and that the individual has completed any retraining, education or testing deemed necessary by the EMSMD for resuming First Responder – AED activities.
- j) Any First Responder – AED whose registration has expired for a period of more than 60 days shall be required to reapply for registration, complete the training program and pass the test.
- k) A First Responder – AED whose registration has expired may, within 60 days after registration expiration, submit all re-registration material as required in this Part and a fee of \$50 in the form of a certified check or money order (cash or personal check will not be accepted). If all material is in order and there is no disciplinary action pending against the First Responder – AED, the Department will re-register the First Responder – AED.

(Source: Amended at 27 Ill. Reg. 13507, effective July 25, 2003)

Section 515.730 Pre-Hospital Registered Nurse

- a) To be approved as a Pre-Hospital RN, an individual shall:

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- 1) Be a Registered Professional Nurse in accordance with the Nursing and Advanced Practice Nursing Act;
 - 2) Complete an education curriculum formulated by an EMS System and approved by the Department, which consists of at least 24 hours of classroom and practical training, including *extrication, telecommunications, and pre-hospital cardiac and trauma care* of both the adult and pediatric population (Section 3.80(c)(1)(A) of the Act);
 - 3) Complete a minimum of 10 ALS runs supervised by a licensed physician, an approved Pre-Hospital RN or an EMT, only as authorized by the EMS Medical Director; and
 - 4) Complete the Pre-Hospital RN application form as prescribed by the Department.
- b) The EMS Medical Director shall approve individuals meeting subsection (a) of this Section as a Pre-Hospital RN for four years.
- c) The EMS Medical Director shall reapprove Pre-Hospital RNs every four years if the Pre-Hospital RN:
- 1) Is a Registered Professional Nurse in accordance with the Nursing and Advanced Practice Nursing Act; and
 - 2) Has completed 120 hours of continuing education, the content of which shall be consistent with the System's continuing education requirements for EMT-Ps; and
 - 3) Has a current CPR for Healthcare Providers ~~completion~~-card that covers:
 - A) Adult one-rescuer CPR,
 - B) Adult foreign body airway obstruction management,
 - C) Pediatric one-rescuer CPR,
 - D) Pediatric foreign body airway obstruction management, ~~and~~
 - E) Adult two-rescuer CPR, and-
 - F) AED.

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- d) Inactive Status
- 1) Prior to the expiration of the current approval, a Pre-Hospital RN may request to be placed on inactive status. The request shall be made in writing to the EMS Medical Director and shall contain the following information:
 - A) Name of individual,
 - B) Date of approval,
 - C) Circumstances requiring inactive status, and
 - D) A statement that recertification requirements have been met by the date of the application for inactive status.
 - 2) The EMS Medical Director will review and grant or deny requests for inactive status.
 - 3) For the Pre-Hospital RN to return to active status, the EMS Medical Director must document that the Pre-Hospital RN has been examined (physically and mentally) and found capable of functioning within the EMS System, that the Pre-Hospital RN's knowledge and clinical skills are at the active Pre-Hospital RN level, and that the Pre-Hospital RN has completed any refresher training deemed necessary by the EMS system. If the inactive status was based on a temporary disability, the EMSMD shall also verify that the disability has ceased.
 - 4) During inactive status, the individual shall not function as a Pre-Hospital RN.
 - 5) The EMS Medical Director shall notify the Department in writing of a Pre-Hospital RN's approval, reapproval, or granting or denying of inactive status within 10 days after any change in a Pre-Hospital RN's approval status.
- e) A Pre-Hospital RN shall notify the Department within 30 days after any change in name or address. Notification may be in person, or by mail, phone, fax, or electronic mail.

(Source: Amended at 27 Ill. Reg. 13507, effective July 25, 2003)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Adopted Action:
 100.2490 New Section
 100.9710 Amendment
- 4) Statutory Authority: 203(a)(2)(K); 203(b)(2)(L); 203(c)(2)(O); 203(d)(2)(M) and 35 ILCS 1501(a)(8)
- 5) Effective Date of Amendments: July 28, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A statement that a copy of the adopted amendments including any material incorporated is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register:
 09/20/02, 26 Ill. Reg. 13790
 08/23/02, 26 Ill. Reg. 12715
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made. This is a consolidated rulemaking with 2 sections being amended.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
100.3500	New Section	27 Ill. Reg. 60, 01/03/03

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- 15) Summary and Purpose of Amendments: Section 100.2490 - IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), and 203(d)(2)(M) provide a subtraction modification in the computation of Illinois base income in the amount of certain dividends paid by a corporation designated a High Impact Business in Illinois and that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone. This rulemaking provides rules for making the determinations necessary to apply the Sections cited above, including:

- (1) whether a corporation conducts operations in a federally designated Foreign Trade Zone or Sub-Zone;
- (2) the taxable year for which the subtraction modification may be claimed; and
- (3) whether a distribution qualifies as a dividend eligible for the subtraction modification.

Section 100.9710 - This rulemaking amends the regulation defining "financial organization" to add a definition of "investment company".

- 16) Information and questions regarding these adopted amendments shall be directed to:

Paul Caselton
Deputy General Counsel - Income Tax
Brian Stocker
Associate Counsel - Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section	
100.2000	Introduction
100.2050	Net Income (IITA Section 202)

SUBPART B: CREDITS

Section	
100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone (IITA 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)
100.2198	Economic Development for a Growing Economy Credit (IITA 211)
100.2199	Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section	
100.2200	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group ₂ (IITA Section 202) - Scope
100.2210	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business

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- Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group; (IITA Section 202) - Current Net Operating Losses; Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group; (IITA Section 202) - Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES OCCURRING ON OR AFTER DECEMBER 31, 1986

- Section
- 100.2300 Illinois Net Loss Deduction ~~Deductions~~ for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986 ~~Carryovers~~
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions for ~~of~~ Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

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- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
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100.APPENDIX A:	Business Income Of Persons Other Than Residents
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AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997;

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emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 25, 2003.

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF
INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND
PARTNERSHIPS

Section 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA
Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

- a) Taxpayers are entitled to subtract from taxable income (adjusted gross income, in the case of an individual) an amount equal to dividends paid by a corporation that:
- 1) conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone, and
 - 2) s designated by the Department of Commerce and Community Affairs as a High Impact Business located in Illinois.

However, only dividends not eligible for the subtraction provided in Section 100.2480 of this Part may be subtracted under this Section.

- b) A corporation conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone when any portion of its total business activity during a taxable year is operated within a federally designated Foreign Trade Zone or Sub-Zone. For the purpose of this Section, business activity within a federally designated Foreign Trade Zone or Sub-Zone shall be measured by means of the factors ordinarily applicable to the corporation under IITA Section 304(a), (b), (c), or (d); except that, in the case of a corporation ordinarily required to apportion

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business income under Section 304(a), such corporation shall not use the sales factor in the computation. Thus, for example, for taxable years ending on or after December 31, 2000, for purposes of determining whether dividends may be subtracted under this Section, a corporation that apportions its business income under Section 304(a) using only the sales factor in accordance with Section 304(h) must still compute its property and payroll factors. In measuring the business activity of a corporation within a federally designated Foreign Trade Zone or Sub-Zone, the apportionment factors of that corporation shall be determined without regard to the factors or business activity of any other corporation and, in the case of a corporation engaged in a unitary business with any other person, the apportionment factors of that corporation shall be determined as if it were not engaged in a unitary business with such other person.

1) 304(a) Corporations. A corporation using Section 304(a) to apportion business income to Illinois shall determine the ratio of the corporation's property and payroll within a federally designated Foreign Trade Zone or Sub-Zone to the corporation's property and payroll everywhere. If the ratio so computed is greater than 0%, and the other requirements of this Section are met, the dividends paid by the corporation shall qualify for this subtraction. In the case where a corporation does not have any property or payroll within a federally designated Foreign Trade Zone or Sub-Zone, the corporation is not conducting any portion of its business operations within a federally designated Foreign Trade Zone or Sub-Zone for the purpose of this Section.

A) Example 1: In the tax year ending December 31, 1995, Taxpayer received dividends from X corporation (hereafter referred to as "X"). X, a calendar year taxpayer, manufactures and sells widgets at wholesale in Illinois and various other states. The widgets are manufactured at X's plant in Illinois, which is not located in a federally designated Foreign Trade Zone or Sub-Zone. X does not have employees who perform any services in a federally designated Foreign Trade Zone or Sub-Zone. X owns 100% of the stock of A corporation (hereafter referred to as "A"), whose sole business activity consists of the distribution of X's widgets. A's trucks take delivery of the widgets at X's plant, and then deliver the widgets to customers of X, including customers located in a federally designated Foreign Trade Zone. In determining its business income apportionable to Illinois in 1995, X used the 3-factor formula of property, payroll, and sales under IITA Section

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304(a). Thus, in order to determine whether it conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone, X must compute the ratio of its property and payroll in a federally designated Foreign Trade Zone or Sub-Zone to its property and payroll everywhere. In making such computation, it may not use its sales factor, nor may it consider the factors or business activity of A. As a result, regardless of whether X is designated a High Impact Business located in Illinois, Taxpayer may not subtract dividends paid by X. Because X does not have any property or payroll within a federally designated Foreign Trade Zone or Sub-Zone, it is not conducting any portion of its business operations within a federally designated Foreign Trade Zone or Sub-Zone as required by this Section.

B) Example 2: The facts are the same as in Example 1, except that X rents a warehouse in which it maintains an inventory of widgets pending shipment to customers. The warehouse is located in a federally designated Foreign Trade Zone. Since the ratio of X's property and payroll within a federally designated Foreign Trade Zone or Sub-Zone to its property and payroll everywhere is greater than 0%, X conducts a portion of its business operations within a federally designated Foreign Trade Zone. Thus, Taxpayer has met the requirement under this Section that it receive dividends from a corporation that conducts business operations within a federally designated Foreign Trade Zone or Sub-Zone.

2) All Other Corporations. A corporation using a 1-factor apportionment formula under IITA Section 304(b), (c), or (d) shall determine business activity conducted within a federally designated Foreign Trade Zone or Sub-Zone by comparing business income from sources within a federally designated Foreign Trade Zone or Sub-Zone and everywhere else pursuant to its ordinarily applicable factor under Section 304(b), (c), or (d). A corporation using an alternative method of apportionment under Section 304(f) shall petition the Department for approval of an appropriate method of determining its qualification under this Section, and only upon the Department's approval shall the corporation be allowed to use a method not provided in this Section.

A) Example 3: In the tax year ending December 31, 1996, Taxpayer received dividends from Z Airlines, Inc (hereafter referred to as

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“Z”). Z provides interstate transportation of passengers and freight. Z’s corporate headquarters is located in a federally designated Foreign Trade Zone in Illinois. Its hub is also located in Illinois, but not in a federally designated Foreign Trade Zone or Sub-Zone. Z’s planes regularly arrive and depart from its hub, and regularly fly over a federally designated Foreign Trade Zone in route to various locations. Z owns 100% of the stock of B corporation (hereafter referred to as “B”). B’s sole business activity consists of transporting freight from Z’s planes to local destinations in Illinois. B’s trucks take delivery of the freight at Z’s hub, and deliver the freight to Z’s customers, including customers located in a federally designated Foreign Trade Sub-Zone. In 1996, B delivered within the federally designated Foreign Trade Sub-Zone at least 1 ton of freight the distance of one mile for a consideration. In determining its business income apportionable to Illinois in 1996, Z and B used the apportionment formula under IITA Section 304(d) on a combined basis. In order to determine whether it conducts business operations within a federally designated Foreign Trade Zone or Sub-Zone, Z is required to use the same apportionment formula under IITA Section 304(d) as if it were not engaged in a unitary business with B. As a result, regardless of whether Z is a High Impact Business located in Illinois, Taxpayer may not subtract dividends paid by Z. Because Z has no business income from sources within a federally designated Foreign Trade Zone or Sub-Zone applying IITA Section 304(d), no portion of Z’s business operations are conducted in a federally designated Foreign Trade Zone or Sub-Zone as required by this Section.

- B) Example 4: The facts are the same as in Example 1, except that Z conducts the activities of B as a division. In determining its business income apportionable to Illinois in 1997, Z used the apportionment formula under IITA Section 304(d). In order to determine whether it conducts business operations within a federally designated Foreign Trade Zone or Sub-Zone, Z must use the same formula. Since Z has business income from sources within a federally designated Foreign Trade Sub-Zone, it conducts a portion of its business operations within a federally designated Foreign Trade Zone or Sub-Zone. Thus, Taxpayer has met the requirement under this Section that it receive dividends from a

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corporation that conducts business operations within a federally designated Foreign Trade Zone or Sub-Zone.

- c) Taxpayers are entitled to this subtraction in the taxable year in which qualifying dividends are paid by corporations. Dividends are qualifying dividends if paid by the corporation during a taxable year of the corporation with respect to which the requirements of this Section are met. Corporations paying dividends shall be deemed to have started business operations within a federally designated Foreign Trade Zone or Sub-Zone from the later of:
- 1) The date the Foreign Trade Zone or Sub-Zone in which the corporation paying the dividends is located was officially federally designated;
 - 2) The date the corporation paying dividends commenced operations in the federally designated Foreign Trade Zone or Sub-Zone as a designated High Impact Business located in Illinois; or
 - 3) The effective date of the Public Act enacting this subtraction (January 1, 1986).
- d) See 20 ILCS 655/5.5 regarding designation by the Department of Commerce and Community Affairs as a High Impact Business.
- e) Limitations.
- 1) This Section allows taxpayers to subtract distributions from a corporation only to the extent:
 - A) The distributions are characterized as dividends;
 - B) The dividends are included in federal taxable income (in the case of an individual, adjusted gross income) of the taxpayer;
 - C) The dividends are not eligible for the subtraction provided in IITA Section 203(a)(2)(J), IITA Section 203(b)(2)(K), IITA Section 203(c)(2)(M), or IITA Section 203(d)(2)(K) (regarding dividends paid by a corporation that conducts all or substantially all of its operations in an Illinois Enterprise Zone or Zones); and

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- D) The taxpayer has not subtracted the dividends from federal taxable income (in the case of an individual, adjusted gross income) under any other provision of Section 203 of the IITA.
- 2) Example 5: Taxpayer, an S corporation shareholder, receives a distribution from an S corporation designated a High Impact Business and that conducts business operations in a federally designated Foreign Trade Zone. The Taxpayer is not entitled to the subtraction modification provided under this Section since a distribution by an S corporation is generally not characterized as a dividend. See Section 1368 of the Internal Revenue Code.
- 3) Example 6: Taxpayer, a corporation, receives a dividend from another corporation that qualifies for the 70% dividends received deduction under Section 243(a)(1) of the Internal Revenue Code. Because only 30% of the dividend is included in Taxpayer's federal taxable income, this Section allows Taxpayer to subtract only 30% of the dividend from its federal taxable income.

(Source: Added at 27 Ill. Reg. 13536, effective July 25, 2003)

SUBPART BB: DEFINITIONS

Section 100.9710 Financial Organizations (IITA Section 1501)

- a) **General Definition.** The term "financial organization" is defined in IITA Section 1501(a)(8)(A) to mean *any bank, bank holding company, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, building and loan association, credit union, currency exchange, cooperative bank, small loan company, sales finance company, investment company, or any person which is owned by a bank or bank holding company. For the purpose of this Section a "person" will include only those persons which a bank holding company may acquire and hold an interest in, directly or indirectly, under the provisions of the Bank Holding Company Act of 1956 (12 USC 1841), except where interests in any person must be disposed of within certain required time limits under the Bank Holding Company Act of 1956.* This definition constitutes an exclusive and exhaustive list of the types of organization that ~~which~~ are "financial organizations" under the Illinois Income Tax Act.
- b) **Entities Engaged in Financial Organization Activities and Other Activities.** For

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purposes of this Section, an entity that is classified as a "bank" under subsection (e) of this Section; as a "bank holding company" under subsection (f) of this Section; or as a person owned by a bank or bank holding company under subsection (g) of this Section, is a "financial organization" regardless of whether the entity is predominantly engaged in the business activities characteristic of a financial organization. In order for any other entity to be characterized as a "financial organization" in any tax year, the entity must be predominantly engaged in the business activities of a financial organization during the year. For this purpose, an entity engaged in business activities of a financial organization, as well as other business activities in the same tax year, is predominantly engaged in the business activities of a financial organization during that year only if more than 80% (50% in the case of a sales finance company under subsection (d)(10) of this Section) of the entity's gross income, averaged over a period of three years, which includes the current tax year and the immediately preceding two tax years, is derived from the business activities characteristic of one or more of the categories of financial organization defined in this Section for which the entity otherwise qualifies. For purposes of this subsection, gross income shall include only amounts that are received in the ordinary course of the entity's regular business activities and that are included in net income under the Illinois Income Tax Act. For purposes of determining whether an entity is predominantly engaged in the business activities of a financial organization when an entity is formed in a current tax year or in its immediately preceding tax year, only the years for which the entity is in existence will be used in determining whether the entity meets the 80% test (or 50% test in the case of a sales finance company under subsection (d)(10) of this Section).

- 1) Income which results from transactions outside the ordinary course of an entity's regular business activities is not taken into account for the purposes of the gross income test. For example, amounts received from the sale of an entity's headquarters shall be disregarded, whether or not the gain is characterized as business income.
- 2) The classification of an entity as a "financial organization" under the IITA is relevant to how the business income of the entity shall be apportioned to Illinois under IITA Section 304(c). The treatment of items of income that are not included in apportionable business income is not affected by such classification, and such items are therefore disregarded for purposes of the gross income test. For example, interest received on United States Treasury obligations is excluded from Illinois base income, and accordingly is disregarded for purposes of determining whether the

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business income of an entity should be apportioned using the financial organization formula. Similarly, dividends received by a corporation shall be disregarded to the extent the dividends are deducted from federal taxable income under section ~~Section~~ 243 of the Internal Revenue Code or are subtracted in the computation of Illinois base income under IITA Section 203(b)(2)(O).

- 3) In the case of a sale or disposition of any asset (whether tangible or intangible, and whether the asset is part of the taxpayer's stock in trade) that occurs in the ordinary course of an entity's regular business activities, only the net gain shall be taken into account for purposes of the gross income test. Thus, for example, gross income from the sale of inventory is equal to its gross receipts minus the cost of goods sold; while gross income from the sale of stock is equal to the sales price minus any brokerage commission and minus the taxpayer's basis in the stock. If gross income from a transaction is negative, the loss shall not be considered for purposes of the gross income test.
- 4) **Leasing Activities.** For purposes of the IITA and the Internal Revenue Code, a "finance lease" is treated as an extension of credit, rather than as a true lease. In a finance lease, the lessor is treated as a creditor, and the lessee is treated as the owner of the leased asset entitled to any deduction for depreciation allowed under section ~~Section~~ 167 of the Internal Revenue Code. For purposes of this Section, a finance lease shall be treated as a loan or other extension of credit, rather than as a lease, regardless of how the transaction is characterized for any other purpose, including the purposes of any regulatory agency to which the lessor is subject.
- 5) In applying the gross income test to an entity engaged in the businesses of more than one of the types of organization defined in subsection (d) of this Section, "gross income from financial services" shall include gross income derived from all services characteristic of any specific defined type of organization for which the entity qualifies. For example:
 - A) Selling and exchanging currency is a characteristic service only of banks. Accordingly, "gross income from financial services" of an entity which qualifies as a bank under subsection (d)(1) of this Section, and as a safe deposit company under subsection (d)(6) of this Section, includes both income from trading in foreign currency

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and safe deposit box rentals. However, "gross income from financial services" of an entity which qualifies as a safe deposit company, but not as a bank, does not include income from trading in foreign currency.

- B) A taxpayer which meets all other qualifications of a sales finance company and also of a small loan company, and that derives 40% of its gross income from transactions characteristic of a sales finance company and 35% of its gross income from transactions characteristic of a small loan company is not a financial organization because it does not meet either the 50% test for sales finance companies nor the 80% test applicable to other types of financial organization. If, however, the taxpayer derives 45% of its gross income from transactions characteristic of a sales finance company and 36% of its gross income from transactions characteristic of a small loan company, it would not be a sales finance company because it does not meet the 50% test, but it would be a financial organization under the 80% test.
- 6) IITA Section 1501(a)(8)(D) provides that an entity *that is a "financial organization" that engages in any transaction with an affiliate shall be a "financial organization" for all purposes of the Act.* Accordingly, in applying the gross income test, an entity's transactions with a person to which it is related (including transactions with a member of the entity's unitary business group which are eliminated in combination under Section 100.3320(d) of this Part) shall be treated in the same manner as transactions between the entity and an unrelated person, subject in all cases to the authority of the Department under IITA Section 404 to make such adjustments as are necessary to properly reflect each party's Illinois business activities.
- c) Some of the types of organizations listed in subsection (a) of this Section are defined by State or federal statutes. The remaining types of organization are terms frequently used in other states' laws to refer to entities engaged in the same businesses as the entities in one or more of the types defined in Illinois or federal law. An entity defined as a bank or a bank holding company, or that is owned by a bank or bank holding company, under subsection (e), (f) or (g) of this Section, is a financial organization regardless of its actual business activities. For any other entity, notwithstanding the title or characterization of the entity for purposes of any other law, the entity is a "financial organization" for purposes of the IITA

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only if that entity is predominantly engaged in a business which is identical in all material respects to the characteristic business of an entity within one or more of the types of organization defined in Illinois or federal law. In order for an entity's business to be identical in all material respects to the business of one of the defined types of organization, the entity must:

- 1) provide substantially all of the characteristic services provided by entities in the defined type of organization; and
 - 2) be subject to regulation by the Illinois or federal agency (if any) with authority over entities in the defined type of organization or by the equivalent authority (if any) established under the laws of the entity's state or country of formation or of its commercial domicile. However, "sales finance companies;" as defined in subsections (d) (10) (A) and (B) of this Section are not required to be regulated by any state or federal authority.
- d) Application to Defined Types of Financial Organization. This subsection lists the types of financial organization defined in Illinois or federal law and describes the characteristic business of each type as provided in the relevant Illinois or federal statutes. The references to Illinois State and federal statutes and authorities in this subsection shall be construed to refer to any predecessor to the current statute or authority, whenever appropriate.
- 1) Entities engaged in the business of a "bank-;" The term "bank" includes any entity described in subsection (e) of this Section. In addition, for purposes of categorizing an entity that does not come within the scope of subsection (e) of this Section, the term "bank" means an entity predominantly engaged in the business activities characteristic of an entity which has been issued a charter by the Commissioner of Banks and Real Estate under 205 ILCS 5/13 or that has been given a certificate of authority to commence banking by the Comptroller of the Currency under 12 USC ~~Section~~ 27. The terms "savings bank;" "industrial bank" and "cooperative bank" are sometimes used in the laws of other states to refer to entities engaged in the same business as a "bank" as defined in Illinois or federal law. The term "private banker" means an unincorporated bank, conducted as a partnership of individuals or as an individual proprietorship. Notwithstanding that an entity does or does not come within the meaning of any of these terms for any other purpose, the determination of whether an entity is engaged in the business of a "bank" for purposes of the IITA shall be made pursuant to the following

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standards:

- A) **Characteristic Services.** The Illinois and federal statutes providing for the formation of banks state that the characteristic activities of banks are accepting deposits, making loans, discounting evidences of debt, and buying and selling exchange. (See 205 ILCS 5/3; 12 USC 24; and ~~section~~ Section 581 of the Internal Revenue Code.) In order to be engaged in a business identical in all material respects to the business of a "bank," an entity formed under the laws of another state or of a foreign country as a bank, savings bank, industrial bank, or cooperative bank must engage in each of these characteristic financial services of a bank. Thus, for example, an entity that does not accept deposits is not engaged in the business of a bank. For purposes of applying the 80% of gross income test in subsection (b) of this Section, examples of gross income from characteristic services of a bank include:
- i) application and origination fees, points, interest, late payment fees and other charges received in connection with loans or with commitments to make loans or provide other credits;
 - ii) service charges and early withdrawal or other penalties received in connection with deposit accounts;
 - iii) fees and gains realized from buying and selling exchange, including foreign currency;
 - iv) loan servicing fees and charges received in connection with syndicated loans or loans sold to third parties; and
 - v) discounts and gains realized on the purchase or resale of loans.

Examples of items of income that are not gross income from the characteristic services of a bank include rental income from real estate; gains from sale of property obtained in foreclosure or settlement of loans; and interest and dividends received from, and gains realized on the sale or exchange of, securities.

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- B) Regulation. Illinois State banks are subject to regulation by the Commissioner of Banks and Real Estate (see 205 ILCS 5/48), while national banks are subject to regulation by the Comptroller of the Currency (see 12 USC 27(b)(2)). These entities qualify as banks under subsection (e) of this Section regardless of their business activities. In order to qualify as a bank, an entity that is not a bank within the meaning of subsection (e) of this Section must be regulated by the authority (if any) equivalent to the Commissioner of Banks and Real Estate or the Comptroller of the Currency having regulatory jurisdiction within the entity's state or country of formation or commercial domicile.
- 2) Entities engaged in the business of a "trust company:" The term "trust company" means a corporation organized under the laws of the State of Illinois for the purpose of accepting and executing trusts [205 ILCS 620/1-5.11], and that has received a certificate of authority to accept trusts from the Commissioner of Banks and Real Estate under 205 ILCS 620/2-4.
- A) Characteristic Services. A trustee performs services as a fiduciary on behalf of the trust's beneficiaries. A trustee is entitled to compensation for expenses incurred on behalf of the trust and to reasonable compensation for services rendered (see 760 ILCS 5/7). Under Illinois law, a trustee may continue an unincorporated business on behalf of the trust in certain circumstances (see 760 ILCS 5/4.23 and 4.24). A trustee may act as an advisor or manager of a mutual fund in which trust funds are invested, without having to reduce or waive its compensation for such services when provided to a trust (see 760 ILCS 5/5.2). However, the trustee is not entitled to any profit from any business it conducts on behalf of a trust or beneficiary, but only to compensation for services rendered to the trust. Accordingly, the gross income from characteristic services of a trust company shall include only trustees' fees or other compensation receivable for services rendered as a trustee on behalf of trusts. Amounts received for services provided other than as a trustee, such as fees received as an advisor or manager of a mutual fund in which trust funds are invested, are not gross income from characteristic services of a trust company.

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- B) Regulation. A trust company conducting business within Illinois is subject to the Corporate Fiduciary Act [205 ILCS 620]. Some types of regulated entities, such as national banks, are authorized by law to engage in trust activities (see 12 USC 92a). Any entity operating in any other state must be licensed or subject to regulation by any equivalent authority in that state.
- 3) Entities engaged in the business of a "savings bank:". The term "savings bank" means a taxpayer which is predominantly engaged in the business of an entity that is either chartered as a federal savings bank under the Home Owners' Loan Act (12 USC 1462 and 1464(a)) and whose investments comply with the guidelines of 12 USC 1464(c) or of an entity which has been issued a certificate of organization by the Commissioner of Savings and Loan Associations under the Savings Bank Act [205 ILCS 205/3007] and that, as required by 205 ILCS 205/1009, maintains at least 60% of its total assets in qualifying "domestic savings and loan association" assets described in section ~~Section~~ 7701(a)(19) of the Internal Revenue Code. The qualifying assets listed in Section 7701(a)(19) are cash, federal and municipal obligations, loans secured by deposits or shares in the lender, residential real estate loans, educational loans, and related investments. The terms "bank," "savings and loan association," "building and loan association," "industrial bank" and "cooperative bank" are sometimes used in the laws of other states to refer to entities engaged in the same business as a "savings bank" as defined in Illinois or federal law. Notwithstanding that an entity does or does not come within the meaning of any of these terms for any other purpose, the determination of whether the entity is engaged in the business of a "savings bank" for purposes of the IITA shall be made pursuant to the following standards:
- A) Characteristic Services. The business of a savings bank consists principally of acquiring the savings of the public and investing in loans (section ~~Section~~ 7701(a)(19)(B) of the Internal Revenue Code). In general, qualifying loans are related to residential real estate. An entity that does not take deposits from the public and invest the deposited funds primarily in qualifying loans to the public is not a savings bank for purposes of the IITA. For purposes of applying the 80% of gross income test in subsection (b) of this Section, examples of gross income from characteristic services of a savings bank include:

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- i) application and origination fees, points, interest, late payment fees and other charges received in connection with loans or with commitments to make loans or provide other credits;
- ii) service charges and early withdrawal or other penalties received in connection with deposit accounts;
- iii) loan servicing fees and charges received in connection with syndicated loans or loans sold to third parties; and
- iv) discounts and gains realized on the purchase or resale of loans.

Examples of items of income that are not gross income from the characteristic services of a savings bank include rental income from real estate; gains from sale of property obtained in foreclosure or settlement of loans; interest and dividends received from, and gains realized on the sale or exchange of, securities.

- B) Regulation. No entity is a savings bank for purposes of the IITA unless it is subject to regulation by the Commissioner of Banks and Real Estate under the Savings Bank Act [205 ILCS 205/1003], the Office of Thrift Supervision (12 USC 1461), or the appropriate authority of another state responsible for regulating savings banks.
- 4) Entities engaged in the business of a "land bank-". The term "land bank" was defined in federal law to mean a federally chartered association organized to make loans on farm security at low interest rates as governed by 12 USC, ch. 23 (Farm Credit System). Under the Agricultural Credit Act of 1987 (P.L. 100-233), the federal land banks were merged with the Federal Intermediate Credit Banks which had also been created under the Farm Credit System. Under current law, the surviving entities are exempt from state income taxation (see 12 USC 2098).
- A) Characteristic Services. Congress established the federal land banks as cooperatives to encourage farmer and rancher ownership and control over a system of credit for agriculture. The characteristic service of a land bank is making loans to farmers. Gross income from characteristic services of a land bank include application and origination fees, points, interest, late payment fees

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and other charges received in connection with loans to farmers and ranchers.

- B) Regulation. Federal land banks are not subject to Illinois taxation. A land bank that was not created under federal statute must be subject to any regulation by any authority equivalent to the Farm Credit System regulation as may exist in the state or country of incorporation or commercial domicile of the land bank.
- 5) Entities engaged in the business of a "safe deposit company-". The term "safe deposit company" means an entity licensed by the Department of Financial Institutions under the Safety Deposit License Act [240 ILCS 5/22] to engage in the business of renting or permitting the use of, for compensation, safety deposit boxes, safes, vaults or other facilities for the safekeeping of personal property (see 240 ILCS 5/2). The Safety Deposit License Act does not apply to banks, savings and loans, credit unions, warehouses, or grain storage companies (see 240 ILCS 5/3).
- A) Characteristic Services. A safe deposit company provides facilities for the safekeeping of personal property in safes or vaults, as compared to warehouses. Gross income from the characteristic services of a safe deposit company includes rental income or similar charges for safe deposit boxes.
 - B) Regulation. Safe deposit companies doing business in Illinois must be licensed by the Department of Financial Institutions. An entity operating in any other state must be licensed or subject to regulation by any equivalent authority in that state.
- 6) Entities engaged in the business of a "savings and loan association-". The term "savings and loan association" means a federal savings and loan association chartered under the Home Owners' Loan Act of 1933 (12 USC 1462 and 1464(a)) whose investments comply with the guidelines of 12 USC 1464(c) or a savings and loan association organized under the Illinois Savings and Loan Act of 1985 [205 ILCS 105/2-6] and whose investments comply with the requirements of 205 ILCS 105/5-1 through 5-16. In particular, 205 ILCS 105/5-3 provides that savings and loan associations must generally make their assets available to make loans to their members secured by the members' shares or for residential real estate purchase, construction and related matters under 205 ILCS 105/5-2. The Internal

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Revenue Code provides special rules for savings and loan associations, which are defined in ~~section~~ Section 7701(a)(19) of the Internal Revenue Code as depository institutions that invest at least 60% of their assets in cash, federal and municipal obligations, loans secured by deposits or shares in the lender, residential real estate loans, educational loans, and related investments. The terms "bank," "savings bank," "building and loan association," and "cooperative bank" are sometimes used in the laws of other states or of other countries to refer to entities engaged in the same business as a "savings and loan association" as defined in Illinois or federal law. Notwithstanding that an entity does or does not come within the meaning of any of these terms for any other purpose, the determination of whether the entity is engaged in the business of a "savings and loan association" for purposes of the IITA shall be made pursuant to the following standards:

- A) **Characteristic Services.** The business of a savings and loan association consists principally of acquiring the savings of the public and investing in loans (~~section~~ Section 7701(a)(19)(B) of the Internal Revenue Code). An entity that does not take deposits and invest primarily in qualifying loans is not a savings and loan association for purposes of the IITA. For purposes of applying the gross income test in subsection (b) of this Section, examples of gross income from characteristic services of a savings and loan association include:
- i) application and origination fees, points, interest, late payment fees and other charges received in connection with loans or with commitments to make loans or provide other credits;
 - ii) service charges and early withdrawal or other penalties received in connection with deposit accounts;
 - iii) loan servicing fees and charges received in connection with syndicated loans or loans sold to third parties; and
 - iv) discounts and gains realized on the purchase or resale of loans.

Examples of items of income that are not gross income from the characteristic services of a savings and loan association include

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rental income from real estate; gains from sale of property obtained in foreclosure or settlement of loans; interest and dividends received from, and gains realized on the sale or exchange of, securities.

- B) Regulation. No entity is a savings and loan association for purposes of the IITA unless it is subject to regulation by the Office of Banks and Real Estate under the Savings Bank Act [205 ILCS 105/7-1], the Office of Thrift Supervision (12 USC 1462), or the appropriate authority (if any) of another state responsible for regulating savings and loan associations.
- 7) Entities engaged in the business of a "credit union:". Federal credit unions that have received a charter under 12 USC 1754 are exempt from state income taxation (see 12 USC 1768). Under present law, only "cooperative, non-profit" credit unions may be incorporated under the Illinois Credit Union Act or permitted to do business in Illinois (see 205 ILCS 305/1.1 (defining "credit union") and 7 (permitting credit unions chartered in other states to do business in Illinois)). Under current law, a credit union doing business in Illinois is most likely exempt from Illinois Income Tax pursuant to IITA Section 205(a) and 12 USC 501(a) and (c)(14). 12 USC 1753(5) and 205 ILCS 305/2(2)(b) each require an entity applying for permission to organize as a credit union to define the class of persons entitled to membership.
- A) Characteristic Services. 12 USC 1752(a)(1) provides that a federal credit union is a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes and 12 USC 1757(7) requires a federal credit union to invest its funds in loans to its members, bank accounts, government securities and in other credit unions. 205 ILCS 305/1.1 defines "credit union" to mean a *cooperative, non-profit association, incorporated for the purposes of encouraging thrift, creating a source of credit at a reasonable rate of interest, and providing an opportunity for its members to use and control their own money in order to improve their economic and social conditions*, and 205 ILCS 305/59 allows credit unions to invest only in loans to members, bank accounts, government securities and other credit unions. The characteristic services of a credit union involve taking interest-paying deposits

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from its members and making loans to its members. For purposes of applying the gross income test in subsection (b) of this Section, examples of gross income from characteristic services of a credit union include:

- i) application and origination fees, points, interest, late payment fees and other charges received in connection with loans or with commitments to make loans to members; and
- ii) service charges and early withdrawal or other penalties received in connection with deposit accounts.

Examples of items of income that are not gross income from the characteristic services of a credit union include interest and other income from loans to non-members; rental income from real estate; gains from sale of property obtained in foreclosure or settlement of loans; interest and dividends received from, and gains realized on the sale or exchange of, securities.

- B) Regulation. In order for an entity to qualify as a credit union, an entity must be subject to regulation by any appropriate authority in the state of organization, and the class of persons entitled to membership in the entity must be defined by law or approved by the appropriate state authority.
- 8) Entities engaged in the business of a "currency exchange-". The term "currency exchange" means an entity licensed by the Director of Financial Institutions under the Currency Exchange Act [205 ILCS 405/4] *for purposes of engaging in the business of, and providing facilities for, cashing checks, drafts, money orders or any other evidences of money for a consideration or selling or issuing money orders in the entity's own name* [205 ILCS 405/1].
- A) Characteristic Services. Currency exchanges cash checks and other evidences of money for the general public, and may issue money orders. Currency exchanges are not permitted to accept any form of deposit or bailment of money (see 205 ILCS 405/3). The gross income from characteristic services of a currency exchange is the fees or other charges for cashing checks or issuing money orders. Interest or other income earned from investment of funds received from the issuance of money orders during the period

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between the issuance of a money order and its clearance is not gross income from a characteristic service of a currency exchange.

- B) Regulation. A currency exchange doing business in Illinois must be licensed by the Director of Financial Institutions and meet certain bonding requirements to protect its customers. An entity operating in any other state must be licensed or subject to regulation by any equivalent authority in that state.
- 9) Entities engaged in the business of a "small loan company". The term "small loan company" means an entity licensed by the Director of Financial Institutions under the Consumer Installment Loan Act [205 ILCS 670/1] for the purpose of making loans in a principal amount not exceeding \$25,000. Small loan companies are required to disclose the terms of their loans pursuant to specific statutory requirements or in conformity with the federal Truth in Lending Act (see 205 ILCS 670/16 (referencing 15 USC 1601)). The predecessor of the Consumer Installment Loan Act, the Small Loans Act (Ill. Rev. Stat., ch. 74, par. 27 (1933)), was held to apply only to lenders, and not to persons selling goods or services on a credit or installment basis. (See, e.g., *Wernick v. National Bond and Investment Co.*, 276 Ill. App. 84 (1934).)
- A) Characteristic Services. Small loan companies are permitted to make loans not exceeding an aggregate principal amount of \$25,000 to any obligor and for terms not exceeding 121 months. A credit or installment sale of goods or services is not a characteristic service of a small loan company. Gross income from the provision of the characteristic services of a small loan company includes loan application and origination fees, interest, late payment charges and similar amounts realized in connection with loans not exceeding the principal amount of \$25,000 and for terms not exceeding 121 months. Amounts received or accrued in connection with any loan for a principal amount in excess of \$25,000 or for a term in excess of 121 months are not gross income from the provision of the characteristic services of a small loan company. Finally, because 205 ILCS 670/21 provides that the Consumer Installment Loan Act does not apply to persons making loans to business associations or corporations, or to sole proprietors of businesses for the purpose of carrying on or acquiring such businesses, amounts received in

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connection with such business loans are not gross income from the provision of the characteristic services of a small loan company.

- B) Regulation. A small loan company operating in Illinois must be licensed by the Director of Financial Institutions. An entity operating in any other state must be licensed or subject to regulation by any equivalent authority in that state. In all cases, the entity must comply with the regulations issued by the Board of Governors of the Federal Reserve System under the Truth in Lending Act.
- 10) Entities engaged in the business of a "sales finance company-". The term "sales finance company" has the meaning provided in subsection (d)(10)(A) or (B):
- A) Under IITA Section 1501(a)(8)(C)(i), the term "sales finance company" means an entity *primarily engaged in one or more of the following businesses: the business of purchasing customer receivables, the business of making loans upon the security of customer receivables, the business of making loans for the express purpose of funding purchases of tangible personal property or services by the borrower, or the business of finance leasing*. For purposes of this subsection (d)(10)(A), a "customer receivable" means:
- i) *A retail installment contract or retail charge agreement within the meaning of the Sales Finance Agency Act [205 ILCS 660/2], the Retail Installment Sales Act [815 ILCS 405/2.6 and 2.7], or the Motor Vehicle Retail Installment Sales Act [815 ILCS 375/2.5];*
 - ii) *An installment, charge, or similar contract or agreement arising from the sale of tangible personal property or services in a transaction involving a deferred payment price payable in one or more installments subsequent to the sale;*
 - iii) *The outstanding balance of a contract or agreement described in subsection (d)(10)(A)(i) or (ii) of this Section;*
or

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- iv) A loan, or balance under a loan, made by a lender for the express purpose of funding purchases of tangible personal property or services by the borrower.

A customer receivable need not provide for payment of interest on deferred payments. A sales finance company may purchase a customer receivable from, or make a loan secured by a customer receivable to, the seller or lender in the original transaction or from or to a person who purchased the customer receivable directly or indirectly from that seller or lender.

Example 1: A manufacturer sells a product to a retailer. Payment is due 7 days after issuing the sales invoice. An account receivable is recorded when the invoice is issued. The receivable would constitute a customer receivable.

Example 2: An entity purchases or otherwise acquires customer receivables or finance leases. The entity sells those customer receivables or finance leases to a third party and enters into an agreement to service such receivables or finance leases in exchange for a fee. The purchase, sale and/or servicing of such receivables or finance leases is a business of a "sales finance company-":

- B) Under IITA Section 1501(a)(8)(C)(ii), the term "sales finance company" also means a corporation meeting each of the following criteria:
- i) *The corporation must be a member of an "affiliated group" within the meaning of ~~section~~ Section 1504(a) of the Internal Revenue Code, determined without regard to ~~section~~ Section 1504(b) of the Internal Revenue Code;*
- ii) *More than 50% of the gross income of the corporation for the taxable year must be interest income derived from qualifying loans. A "qualifying loan" is a loan made to a member of the corporation's affiliated group that originates customer receivables or to whom customer receivables originated by a member of the affiliated group have been transferred, to the extent the average outstanding balance of loans from that corporation to members of its affiliated*

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group during the taxable year do not exceed the limitation amount for that corporation. The "limitation amount" for a corporation is the average outstanding balances during the taxable year of customer receivables originated by all members of the affiliated group. If the average outstanding balances of the loans made by a corporation to members of its affiliated group exceed the limitation amount, the interest income of that corporation from qualifying loans shall be equal to its interest income from loans to members of its affiliated group times a fraction equal to the limitation amount divided by the average outstanding balances of the loans made by that corporation to members of its affiliated group;

- iii) *The total of all shareholder's equity (including, without limitation, paid-in capital on common and preferred stock and retained earnings) of the corporation plus the total of all of its loans, advances, and other obligations payable or owed to members of its affiliated group may not exceed 20% of the total assets of the corporation at any time during the tax year; and*
- iv) *More than 50% of all interest-bearing obligations of the affiliated group payable to persons outside the group determined in accordance with generally accepted accounting principles must be obligations of the corporation.*

Example 3: In connection with the conduct of its business, A Corporation either originates customer receivables (as defined in subsection (d)(10)(A) of this Section), or is transferred customer receivables from one or more of its affiliates. B Corporation, a wholly-owned subsidiary of A and a member of its affiliated group, conducts business exclusively in State X, its commercial domicile. B issues commercial paper and other debt obligations and uses the proceeds to make loans to A or other members of the affiliated group. B Corporation derives more than 50% of its gross income from interest on making "qualifying loans" to A or other members of the affiliated group. Assuming B also meets the tests in subsections (d)(10)(B)(iii) and (iv) of this Section, B would

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constitute a "sales finance company" as defined in IITA Section 1501(a)(8)(C)(ii).

- C) **Characteristic Services.** A "sales finance company" is defined by its characteristic services in subsections (d)(10)(A) and (B) of this Section. A company satisfies the primary test of subsection (d)(10)(A) of this Section if more than 50% of its gross income is from its characteristic services.
- D) **Regulation.** There is no requirement that a sales finance company that meets the definition provided in subsection (d)(10)(A) or (B) of this Section be subject to license or regulation by any state or federal authority.

11) Entities engaged in the business of an "investment company". The term "investment company" means an entity that comes within the meaning of 15 USC 80a-3 and is predominantly engaged in the business of investing, reinvesting and trading in securities.

A) Characteristic Services. In the Investment Company Act of 1940, 15 USC 80a-3 defines an investment company as an entity engaged in the business of investing, reinvesting and trading in securities. Accordingly, the characteristic services of an investment company are the raising of capital from investors in order to purchase capital securities of other entities. Gross income from the characteristic services of an investment company includes interest, dividends and gains from sales of securities.

B) Regulation. In order to be characterized as an investment company under the IITA, an entity doing business in the United States must be registered as an investment company with the Securities and Exchange Commission under the Investment Company Act of 1940. Any entity that is not doing business in the United States must be subject to the equivalent authority (if any) in its country of formation or commercial domicile.

- e) The term "bank" includes the following entities, regardless of whether the entity is engaged in the characteristic business of a bank as described in subsection (d)(1) of this Section. An entity described in this subsection (e) is a bank even if it qualifies as a financial organization under one of the provisions of subsection (d) of this Section:

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- 1) any entity that is regulated by the Comptroller of the Currency under the National Bank Act, or by the Federal Reserve Board, or by the Federal Deposit Insurance Corporation.
 - A) An "entity regulated by the Comptroller of the Currency under the National Bank Act" means a national banking association formed under 12 USC 21.
 - B) An "entity regulated by the Federal Reserve Board" means a member of the Federal Reserve System under the provisions of 12 USC 222 or 12 USC 321.
 - C) An "entity regulated by the Federal Deposit Insurance Corporation" means an insured depository institution under 12 USC 1814.
- 2) any federally or State chartered bank operating as a credit card bank. A "credit card bank" is the common term for an entity that comes within the definition of "bank" for purposes of the Bank Holding Company Act of 1956 (12 USC 1841(c)(1)), but ~~that which~~ is excluded from being treated as a bank under 12 USC 1841(c)(2)(F).
- f) Entities ~~Engaged~~ engaged in the ~~Business~~ business of a "Bank Holding Company" ~~"bank holding company."~~. The term "bank holding company" means an entity that directly or indirectly owns, controls or has power to vote 25% or more of any class of voting securities of any bank or of any other bank holding company (see 12 USC 1841(a)), and which is registered with the Board of Governors of the Federal Reserve System under Section 1844(a) of the Bank Holding Company Act of 1956 (12 USC 1844(a)).
- g) Special Rule for Persons Owned by a Bank or Bank Holding Company. The term "financial organization" under the Illinois Income Tax Act includes any person that is owned by a bank (within the meaning of subsection (d)(1) of this Section or subsection (e) of this Section) or by a bank holding company (within the meaning of subsection (f) of this Section). For purposes of this provision, the term "person" includes only those persons in which a bank holding company may acquire and hold an interest, directly or indirectly, under the provisions of the Bank Holding Company Act of 1956 (12 USC 1841) and Regulation Y promulgated thereunder by the Board of Governors of the Federal Reserve System (12 CFR 225), and does not include any person that must be disposed of within certain required time limits under the Bank Holding Company Act of 1956.

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Under this provision, an entity that would not otherwise be a "financial organization" is deemed to be a financial organization for any period during which it is owned by a bank or bank holding company. For example, prior to the enactment of Public Law 106-102, 12 USC 1843(c)(8) authorized bank holding companies to own insurance companies in certain circumstances. 12 USC 1843(c)(8) allows a bank holding company that owned an insurance company prior to November 12, 1999, to continue to own that insurance company. An insurance company owned by a bank holding company is a "financial organization" for purposes of the IITA, even though the insurance company would not otherwise be a financial organization. The fact that an entity that is not owned by a bank holding company would be a financial organization under this provision if it were owned by a bank holding company, or that the entity in the past may have been owned by a bank holding company and therefore characterized as a financial organization, is irrelevant to the determination of whether the entity is a financial organization.

- h) Effective Dates ~~dates~~ and Elections ~~elections~~. Public Act 89-711 amended the definition of "financial organization" in IITA Section 1501(a)(8) by adding the definition of "bank" in IITA Section 1501(a)(8)(B) and the definition of "sales finance company" in IITA Section 1501(a)(8)(C).
- 1) Application of IITA Section 1501(a)(8) to taxable years beginning on or before December 31, 1996. The General Assembly declared in IITA Section 1501(a)(8)(D) that the definitions of the terms "bank" and "sales finance company" in IITA ~~Section~~ Sections 1501(a)(8)(B) and (C) are *declaratory of existing law and apply retroactively for all tax years beginning on or before December 31, 1996*. No other definitions were changed. Accordingly, except as provided in this subsection (h), the interpretations of the statutory definitions contained in subsections (a) through (g) apply retroactively and for all purposes to all taxable years.
 - 2) For taxable years beginning on or before December 31, 1996, Public Act 89-711 provides that the definitions of "bank" and "sales finance company" shall apply to all original returns; to all amended returns filed within 30 days after the effective date of the Act; to all math error notices issued by the Department under IITA Section 903(a); to all Notices of Deficiency issued by the Department under IITA Section 904(a); to all notices of denial of refund claims issued under IITA Section 909(e); and to all assessments of erroneous refunds made under IITA Section 912.

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- A) Public Act 89-711 imposes no time limit for the filing of an original return applying its provisions to taxable years beginning on or prior to December 31, 1996. Accordingly, taxpayers may file original returns claiming financial organization status under the amended definitions of "bank" and "sales finance company" at any time, provided that such returns are filed within the applicable statute of limitations period and meet all other relevant requirements of the IITA.
- B) Taxpayers required to file amended returns in order to claim financial organization status for a taxable year beginning on or prior to December 31, 1996, were required to do so on or before March 17, 1997, which was 30 days after the enactment of Public Act 89-711.
- C) In the case of a taxpayer that had claimed financial organization status on an original or amended return and whose status as a financial organization was denied by the Department, IITA Section 1501(a)(8)(D) provides that the amended definitions of "bank" and "sales finance company" apply to the Notice of Deficiency or notice of denial of refund claim issued by the Department after review of such return.
- i) If the Notice of Deficiency or notice of denial has not become final, a taxpayer with a matter pending before the Office of Administrative Hearings of the Illinois Department of Revenue for a particular taxable year may raise as an issue the taxpayer's status as a "bank" or "sales finance company" by the making of a motion in conformance with the rules on motion practice as set forth in 86 Ill. Adm. Code 200.185.
- ii) If the Notice of Deficiency or notice of denial has become final, and the taxpayer is not contesting the Department's action in the courts under the Administrative Review Law [735 ILCS 5/Art. III] or the State Officers and Employees Money Disposition Act [30 ILCS 230], the taxpayer must have filed a timely amended return as set forth in subsection (h)(2)(B) of this Section in order to assert a claim that it qualifies as a "bank" or "sales finance

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company" under the amended definitions.

- iii) A taxpayer with a matter pending before the courts of this State for a particular taxable year must request treatment as a "bank" or "sales finance company" by the making of a motion in conformance with the rules of the court.
- 3) Election under IITA Section 1501(a)(8)(E). IITA Section 1501(a)(8)(E) provides that, *for all taxable years beginning on or before December 31, 1996, a taxpayer that falls within the definition of a "financial organization" under Section 1501(a)(8)(B) or (C) of the IITA, but who does not fall within the definition of a "financial organization" under the Proposed Regulations issued by the Department of Revenue on July 19, 1996 (20 Ill. Reg. 9488) may irrevocably elect to apply the Proposed Regulations for all of those years as though the Proposed Regulations had been lawfully promulgated, adopted, and in effect for all of those years.*
- A) In order to support a claim for refund, the election must have been filed by March 17, 1997. Procedures for making an election which would support a claim for refund were published in Emergency Rule 100.9710 (21 Ill. Reg. 2969).
 - B) A taxpayer who has filed an original or amended return for any taxable year beginning on or before December 31, 1996, as a non-financial organization and that wishes to elect to be bound by the July 19, 1996, proposed rules solely for the purpose of preserving its return position, and not for purposes of claiming a refund for any year, may file an election document meeting the following requirements:
 - i) The election document must state on the first page "Financial Organization Election to Apply Proposed Rules Under Public Act 89-711 -- No Refund Claim:".
 - ii) The election document must be filed prior to the issuance of any Notice of Deficiency or notice of claim denial that is based in whole or in part on the retroactive application of Public Act 89-711 to treat the taxpayer as a financial organization.
 - iii) The election document must list all members of the unitary

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business group to whom the election applies. The election shall be binding on all such members, whether or not listed, and the Department may enforce such election against such members. In addition, no refund claimed after the effective date of Public Act 89-711 shall be allowed to the extent such refund results from the application of the July 19, 1996, proposed rules to any such member.

- C) All elections to apply the July 19, 1996, proposed rules, whether made by amended return or by an election document, shall be sent to the following address:

Deputy General Counsel - Income Tax
Legal Services Office - Room 5-500
Illinois Department of Revenue
P.O. Box 19014
Springfield, Illinois 62794-9014

- D) Effect of election.
- i) Effect on "banks" as defined in IITA Section 1501(a)(8)(B). Public Act 89-711 expanded the definition of the term "bank" to include entities described in subsection (e) of this Section, without regard to the actual business activities of the entity. A taxpayer governed by an election under this subsection (h) must be engaged in the business of a "bank" as described in subsection (d)(1) of this Section in order to be characterized as a bank. For example, under IITA Section 1501(a)(8)(B), a "credit card bank" is characterized as a "bank" even though a credit card bank is prohibited from accepting deposits from the public. A credit card bank governed by an election under this subsection (h) therefore cannot be a "bank" under subsection (d)(1) of this Section. Note, however, that a credit card bank governed by such an election may qualify as a financial organization under some other provision of this Section; in particular, a credit card bank may be engaged in the business of a sales finance company as defined in the subsection (i)(3)(D)(ii) of this Section.

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- ii) Effect on "sales finance companies" as defined in IITA Section 1501(a)(8)(C). Public Act 89-711 expanded the definition of "sales finance company" to include entities that buy, or make loans secured by, installment agreements or charge agreements of corporations and businesses and to include entities which are primarily engaged in the business of a sales finance company. An entity governed by an election under this subsection (h) will be a sales finance company only if: it is engaged in the business of buying, or making loans secured by, installment agreements and charge agreements arising from retail purchases for personal, family or household use; more than 80% of its gross income is derived from transactions characteristic of a financial organization; and it meets the other requirements of subsection (d)(10) of this Section.
- iii) An election made under Section 1501(a)(8)(E) applies only to taxable years beginning on or before December 31, 1996. For all subsequent taxable years, the provisions of Section 1501(a)(8) as amended in Public Act 89-711 and interpreted in subsections (a) through (h) of this Section shall apply.
- iv) Section 1501(a)(8)(E) provides that the election applies *to those members of the taxpayer's unitary business group who are ordinarily required to apportion business income under the same subsection of Section 304 of the IITA*. An election made by one or more such members is binding on all such members, whether or not they expressly joined in the election, and the Department may enforce such election either directly or by offsetting any refund payable to the taxpayer as the result of the election by any underpayment of any other taxpayer to whom such election also applies to the extent such underpayment results from the making of the election.
- v) Effective January 1, 2000, Public Act 91-535 amended the definition of the term "sales finance company" in IITA Section 1501(a)(8)(C). The General Assembly declared the definition of the term "sales finance company" in Public

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Act 91-535 to be declaratory of existing law. Accordingly, except as provided in this subsection (i), the interpretation of the term "sales finance company" shall apply retroactively and for all purposes to all taxable years.

- 1) The definition of "sales finance company" provided by Public Act 91-535 shall apply to all original returns; to all amended returns; to all math error notices issued by the Department under IITA Section 904(a); to all Notices of Denial of refund claims issued under IITA Section 909(e); and to all notices of erroneous refunds made under IITA Section 912.
 - A) Public act 91-535 imposes no time limit for the filing of an original or amended return applying its provisions to a particular taxable year. Accordingly, taxpayers may file original or amended returns claiming financial organization status under the amended definition of "sales finance company" at any time, provided that such returns are filed within the applicable statute of limitations period and meet all other relevant requirements of the IITA.
 - B) In the case of a taxpayer that had claimed financial organization status on an original or amended return and whose status as a financial organization was denied by the Department:
 - i) If the Notice of Deficiency or Notice of Denial has not become final, a taxpayer with a matter pending before the Office of Administrative Hearings of the Illinois Department of Revenue for a particular taxable year may raise as an issue the taxpayer's status as a "sales finance company" by making of a motion in conformance with the rules on motion practice as set forth in Section 100.185 of this Part.
 - ii) If the Notice of Deficiency or Notice of Denial has become final, and the taxpayer is not contesting the Department's action in the courts under the Administrative Review Law [735 ILCS 5/Art. III] or the State Officers and Employees Money Disposition Act [30 ILCS 230], the taxpayer must have filed a timely amended return as set forth in subsection (h)(2)(B) of this Section in order to assert a claim that it qualifies as a "sales finance company" under

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the amended definition.

- iii) A taxpayer with a matter pending before the courts of this State for a particular taxable year must request treatment as a "sales finance company" by the making of a motion in conformance with the rules of the court.

(Source: Amended at 27 Ill. Reg. 13536, effective July 25, 2003)

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- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) Section Numbers:

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1001.410	Amend
1001.441	Amend
1001.442	Amend
1001.443	Amend
1001.444	Repeal
1001.Appendix A	Repeal
- 4) Statutory Authority: Subpart D authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/ 2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart F implementing Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8].
- 5) Effective Date of Amendment(s): 1 August 2003.
- 6) Does this rulemaking contain an automatic repeal date? ___ Yes ___ X ___ No

If so, please specify date: _____
- 7) Do these amendment(s) 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 Springfield office and is available for public inspection.
- 9) Notice(s) of Proposed Published in the Illinois Register:

28 March 2003, 27 Ill. Reg. 5326
- 10) Has JCAR issued a Statement of Objections to this (these) amendment(s)? If answer is "yes," please complete the following: No.
- 11) Difference(s) between proposal and final version:

Some revisions to the original proposal were made according to recommendations made by JCAR in its "First Notice Line Numbered Version", received by the Department of

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Administrative Hearings in April 2003, and in the "Second Notice Changes" issued by JCAR and received here on or about 9 July 2003.

Furthermore, some public comment was received and some revisions made pursuant to those comments. Finally, this Department's internal review of the rulemaking during the course of the public comment period revealed the necessity to make some adjustments and revisions to the rulemaking.

Every revision that was made between the proposal and final version was detailed in this Department's Second Notice filing with the Joint Committee on Administrative Rules, which is attached herewith and incorporated herein by reference.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?

Yes, with one exception. In §1001.442(e)(13), the JCAR recommended a revision which this Department did not accept. The sentence in question originally stated that "Within 30 days of the effective date of these amendatory rules of 2003, the Secretary shall publish an initial list of BAIIDs that do not utilize Taguchi cell technology and that have been approved for use in Illinois by the Secretary." The JCAR recommended that the opening phrase be replaced by the phrase "By August 1." This is the effective date of this rulemaking, and the use of this date in the sentence in question would not effect the intent of the Department in composing the sentence. The intent of the sentence is to state that the Department will publish the list referenced in the sentence no more than 30 days after 1 August 2003. Therefore, the revision made to the rule was to strike the opening phrase and insert the phrase "By September 1, 2003".

- 13) Will these amendment(s) replace an emergency rule currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Amendment(s):

These amendments achieve the following objectives: Implement amendments made to sections of the Illinois Vehicle Code, as follows: The General Assembly has increased the population of offenders who are required to participate in the interlock program: P. A. 92-248 (SB 823, effective 3 August 2001) amended §§6-205(h) and 11-501(i) of the Illinois Vehicle Code (IVC) to require the Secretary of State to require the use of an ignition interlock device on all vehicles owned by people who are convicted of driving under the influence (§11-501 of the IVC) a second or subsequent time. These sections

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were also amended to state that the Secretary of State shall establish by rule and regulation the procedures for the certification and use of the interlock system. Furthermore, P. A. 92-418 (HB 2265, effective 17 August 2001) amended §§6-205(c) and (d), and 6-206(c)(3) of the Illinois Vehicle Code to state that the Secretary of State shall condition the issuance of restricted driving permits upon the installation and use of an ignition interlock device on vehicles driven by multiple offenders under the driving under the influence and the implied consent/summary suspension statutes (§§11-501(a) and 11-501.1 of the IVC).

This increase in the interlock population (individuals who are granted driving relief conditioned upon the installation of an interlock device are also referred to as “BAIID permittees”) has increased the demand for the device which, in turn, has encouraged more business entities to provide interlock services. The Secretary of State therefore believes that there is now sufficient demand for the devices and service providers to establish open competition for the provision of interlock devices and services, as opposed to the current system of the Secretary assigning BAIID permittees to specific providers. Improvements in interlock technology, which should make more efficient and facilitate the delivery and servicing of the devices on a statewide basis, is another reason to anticipate an increase in the number of providers. It is therefore expected that open competition will lead to cost savings for BAIID permittees.

This restructuring of the delivery of interlock services necessitates the extensive revision and reorganization of the rules on the interlock program.

Note that the amendments to and reorganization of §1001.442 is so extensive that the current rule has been stricken and replaced by the new version. This includes moving the current version of §1001.444 into the revised §1001.442. For this reason, §1001.444 also has been stricken.

- 16) Information and questions regarding this (these) adopted amendment(s) shall be directed to:

Marc Christopher Loro, Legal Advisor II
Department of Administrative Hearings
200 Howlett Building
Springfield, Illinois 62756
(217) 785-8245
mloro@ilsos.net

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 50/5-25] No.

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The full text of the Adopted Amendment(s) begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	
1001.10	Applicability
1001.20	Definitions
1001.30	Right to Counsel
1001.40	Appearance of Attorney
1001.50	Special Appearance
1001.60	Substitution of Parties
1001.70	Commencement of Actions; Notice of Hearing
1001.80	Motions
1001.90	Form of Papers
1001.100	Conduct of Formal Hearings
1001.110	Orders
1001.120	Record of Hearings
1001.130	Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	
1001.200	Applicability
1001.210	Definitions
1001.220	Hearings: Notice; Location; Procedures; Record
1001.230	Rules of Evidence
1001.240	Scope of Hearings
1001.250	Decisions and Orders
1001.260	Rehearings
1001.270	Judicial Review
1001.280	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS IN DRIVERS
LICENSE SUSPENSIONS AND REVOCATIONS

Section

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1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Records and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions
1001.370	Invalidity

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section	
1001.400	Applicability
1001.410	Definitions
1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations
1001.441	Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs Program
1001.442	Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions <u>BAIID Providers Certification Procedures and Responsibilities; Approval of Breath Alcohol Ignition Interlock Devices; Inspections; BAIID Installer's Responsibilities; Disqualification of a BAIID Provider</u>
1001.443	Breath Alcohol Ignition Interlock Device Multiple Offender—Compliance with Interlock Program
1001.444	Installer's Responsibilities
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.470	Renewal, Correction and Cancellation of RDPs
1001.480	Unsatisfied Judgment Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

SUBPART E: FORMAL MEDICAL HEARINGS

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Section

1001.500	Applicability
1001.510	Definitions
1001.520	Procedure
1001.530	Conduct of Medical Formal Hearings
1001.540	Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES; PERSONS
UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT HEARINGS; RESTRICTED
DRIVING PERMITS

Section

1001.600	Applicability
1001.610	Definitions
1001.620	Burden of Proof
1001.630	Implied Consent Hearings; Religious Exception
1001.640	Implied Consent Hearings; Medical Exception
1001.650	Rebuttable Presumption
1001.660	Alcohol and Drug Education and Awareness Program
1001.670	Petition for Restricted Driving Permits
1001.680	Form and Location of Hearings
1001.690	Invalidity

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

Section

1001.700	Applicability
1001.710	Definitions
1001.720	Organization of Motor Vehicle Review Board
1001.730	Motor Vehicle Review Board Meetings
1001.740	Board Fees
1001.750	Notice of Protest
1001.760	Hearing Procedures
1001.770	Conduct of Protest Hearing
1001.780	Mandatory Settlement Conference
1001.785	Technical Issues
1001.790	Hearing Expenses; Attorney's Fees
1001.795	Invalidity

1001.APPENDIX A BAIID Regions and Minimum Installation/Service Center Site Location

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Guidelines

AUTHORITY: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908 and 6-909]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment ~~adopted~~ at 25 Ill. Reg. 13790, effective ~~15~~ October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002; emergency amendment at 25 Ill. Reg. 14979, effective ~~9~~ November 9, 2001, for a maximum of 150 days; emergency expired on ~~7~~ April 7, 2002; amended at 26 Ill. Reg. 9380,

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effective ~~13~~ June 13, 2002; amended at 26 Ill. Reg. 13347, effective ~~21~~ August 21, 2002, for a maximum of 150 days; emergency amendment adopted at 26 Ill. Reg. 14706, effective ~~20~~ September 20, 2002, for a maximum of 150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective March 31, 2003; amended at 27 Ill. Reg. 13577, effective August 1, 2003.

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.410 Definitions

"Abstinence" means to refrain from consuming any type of alcoholic liquor or other drugs.

"Abstract" means a summary of a driver's record of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited educational course" means any class or course of instruction offered by an accredited educational institution that is either vocational in nature or is part of the matriculation process in receiving an academic degree, diploma, or certificate. It shall also include attendance at any required instructional class in an apprentice program.

"Accredited educational institution" means any school or institution, whether public or private, which offers classes or courses of instruction, and which is reviewed and approved or granted a waiver of approval by the controlling State agency.

"Alcohol" means ethanol, commonly referred to as ethyl alcohol or alcoholic beverage.

"Alcohol and drug evaluation (Investigative)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(D) of this Subpart. The evaluation must be completed on a form prescribed by the Department. This evaluation will be conducted as required pursuant to Sections 1001.420(1) and 1001.430(d) of this Subpart, when:

the current loss of driving privileges is not related to a DUI arrest/disposition yet the petitioner's/respondent's driving record contains, or other evidence indicates the existence of, a prior DUI disposition or any other conviction or loss of driving privileges that was alcohol/drug related within the last 10 years for which the petitioner/respondent did not or was not required to submit to the Secretary an

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alcohol/drug evaluation to obtain driving privileges; or

there is evidence that the petitioner/respondent may be a user of alcohol or any other drug to a degree which renders the person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code.)

"Alcohol and drug evaluation (Out-of-state)" means a typewritten report which conforms to standards established by the Department as specified in Section 1001.440(a)(6)(C) of this Subpart.

"Alcohol and drug evaluation (Uniform Report)" means a typewritten report which conforms to standards established by the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse (OASA). (See 77 Ill. Adm. Code 2060.503.) The evaluation must be completed on a form prescribed by OASA. The evaluation must be signed and dated by both the evaluator and the petitioner.

"Alcohol and drug evaluation (Update)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(B) of this Subpart. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by a program in accordance with the provisions of Section 1001.440(a)(6)(A) of this Subpart.

"Alcohol and drug related driver risk education course" means an educational program concerning the effects of alcohol/drugs on drivers of motor vehicles, also referred to as a DUI driver remedial program, which conforms to the standards established by OASA. (See 77 Ill. Adm. Code 2060.505.)

"Alcohol setpoint" means the minimum or nominal BrAC (0.025) at which a device is set to lock a vehicle's ignition.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the concentration of alcohol in the bloodstream.

"BAIID ~~Permittee~~ permittee" means a BAIID petitioner who has been issued an RDP as a result of a hearing.

"BAIID ~~Multiple Offender~~ multiple offender" means anyone who is required to install an interlock device on all vehicles he or she owns, pursuant to §§6-205(h) and 11-501(i) of the IVC.

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"BAIID petitioner " means anyone who, if issued restricted driving permits, may not operate a motor vehicle unless it has been equipped with an interlock device as defined in this Section, as required by §§6-205(c) and 6-206(c)3 of the IVC.

"BAIID provider" means an entity authorized by the Secretary to contract with BAIID permittees and distribute, supply, install, maintain and monitor BAIID devices. A "BAIID provider" may be an authorized agent or representative of a manufacturer or an independent entity. "BAIID provider" may be synonymous with vendor, supplier, manufacturer, or installer.

"Breath Alcohol Ignition Interlock Devices (BAIID)" means a mechanical unit that is installed in a vehicle which requires the taking of a BrAC test prior to the starting of a vehicle. If the unit detects a BrAC test result below the alcohol setpoint, the unit will allow the vehicle ignition switch to start the engine. If the unit detects a BrAC test result above the alcohol setpoint, the vehicle will be prohibited from starting. The unit or combination of units, to be approved by the Secretary, shall measure breath alcohol concentrations by breath analysis and shall include both simple and complex units.

"BrAC" means the w/v breath alcohol concentration.

"Certified Controlled Reference Sample" means a suitable reference of known ethyl alcohol concentration.

"Chemical Test" means the chemical analyses of a person's blood, urine, breath or other bodily substance performed according to the standards promulgated by the Department of State Police. (See 20 Ill. Adm. Code 1286.)

"Circumvention" means an overt, conscious effort to bypass the BAIID or any other act intended to start the vehicle without first taking and passing a breath test.

"Clinical Impression" means a qualified treatment professional's (see Section 1001.440(b)(2) through (b)(6)) opinion regarding the effectiveness of substance abuse treatment provided to an individual and the likelihood of future alcohol/drug-related problems. This constitutes the treatment professional's most reasonable clinical judgment based on direct involvement with the individual throughout the course of treatment. It should not be interpreted as a definitive statement regarding the likelihood of future alcohol/drug-related problems.

"Code" or "IVC" means the Illinois Vehicle Code [625 ILCS 5].

"Decertification" means the removal or cancellation by the Secretary of the authorization

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to sell, rent, distribute, supply, install, service, repair, or monitor BAIIDs for BAIID permittees and BAIID multiple offenders. The Secretary may decertify a BAIID provider or a particular type of BAIID. "Decertification" is synonymous with disqualification.

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated driver remedial or rehabilitative program" means an alcohol or drug evaluation, an alcohol or drug-related driver risk education course, an alcohol or drug treatment program, the Office driver improvement program, or any similar program intended to diagnose and change a petitioner's driving problem as evidenced by the petitioner's abstract. (See Sections 6-205(c) and 6-206(c)3 of the Code.)

"Device" means a breath alcohol ignition interlock device approved by the Secretary.

"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc., from individuals who have regular, frequent contacts with the petitioner (e.g., spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the petitioner has been abstinent from alcohol/drugs for a specified period of time.

"Driver License Compact" is an agreement among signatory states which deals with the problems of: issuing drivers' licenses to people who move from one signatory state to another; and drivers who are licensed in one signatory state and convicted of traffic offenses in other such states. The Compact has been codified in Illinois and is found in Chapter 6, Article VII of the Code.

"DUI" means driving under the influence.

"DUI disposition " means any conviction or supervision for DUI, or any conviction for reckless homicide when alcohol and/or drugs is recited as an element of the offense or other credible evidence indicates that the petitioner's/respondent's conduct causing death involved the use of alcohol or other drugs, or reckless driving reduced from DUI, or any statutory summary suspension or implied consent suspension.

"Employ" or "employed " or "employment" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence which includes the completion of a term of community service. Employment need not be the sole or primary means of support for the petitioner or

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his/her dependents.

"Evaluator" means any person licensed to conduct an alcohol and drug evaluation by OASA. (See 77 Ill. Adm. Code 2060.201.) A treatment provider may be considered an evaluator for the purpose of completing an updated evaluation in accordance with Section 1001.440(a)(6)(A) of this Subpart.

"Failure to successfully complete a rolling retest" means anytime the BAIID Permittee registers a BrAC reading of 0.05 or more on a rolling retest or fails to perform a rolling retest which has been requested.

"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in Section 6-118 of the Code.

"Hearing" means informal hearings and/or formal hearings.

"High Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner with:

symptoms of substance dependence (regardless of driving record), referred to in this Part as High Risk Dependent; and/or

within the 10 year period prior to the date of the most current (third or subsequent) arrest, any combination of two prior convictions or court ordered supervisions for DUI, or prior statutory summary suspensions, or prior reckless driving convictions reduced from DUI, resulting from separate incidents, referred to in this Part as High Risk Nondependent. (See 77 Ill. Adm. Code 2060.503(g).)

"Immediate family" means a member of the petitioner's household, the petitioner's parents, grandparents, children, and significant other.

"Initial Monitor Report" means the monitor report obtained or required to be obtained within the first 30 days after initial installation of the device.

"Installer" means an individual trained by a BAIID provider or manufacturer to install, repair, and/or maintain, or monitor a BAIID device and employed by an authorized a recognized BAIID provider, service center, vendor or manufacturer. "Installer" is synonymous with an authorized entity providing installation, repair, or monitoring services to BAIID permittees through such trained individuals.

"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code, which

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may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

"Lockout" means the device must prevent engine ignition by a virtual lock with 90% certainty or near absolute lock at 99.5% certainty.

"Manufacturer" means the maker of a BAID or ~~its~~ its authorized representative.

"Medical or physical BAID modification" means a demonstrated physical or medical condition documented in writing by a physician that consistently interferes with the normal operation of the BAID by the BAID ~~permittee~~ Permittee for which the Department may authorize a modification of the BAID or its programming to accommodate the condition without violating ~~sacrificing the intent of the BAID Program rules and statutory requirements.~~

"Medical or Physical BAID Waiver" means a demonstrated physical or medical condition, documented in writing by a physician, that consistently interferes with or prevents the normal operation of the BAID by the BAID ~~Permittee~~ permittee for which the Department may authorize a waiver of the BAID.

"Minimal Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

no prior conviction or court ordered supervisions for DUI, no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and

a blood alcohol concentration (BAC) of less than .15 as a result of the most current arrest for DUI; and

no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2060.503(g).)

"Moderate Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

no prior conviction or court ordered supervisions for DUI, and no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and

a blood alcohol concentration (BAC) of .15 to .19 or a refusal of chemical testing

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as a result of the most current arrest for DUI;

and no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2060.503(g).)

"Monitor report" means an electronic report or a printout of the activity of a device obtained by the manufacturer or installer at the time of an inspection of the device which shall include at a minimum the number of successful and unsuccessful attempts to start the vehicle and rolling retests, including each date, time, and BrAC reading, and any evidence of tampering or circumvention of the device.

"National Driver Register" means a central index, maintained by the U.S. Department of Transportation, of individuals whose driving privileges are denied, terminated or withdrawn, as reported by the states' driver licensing authorities.

"OASA" means the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse.

"Office" means the Office of the Secretary of State and not any particular department address or location.

"Permanent lockout" means that feature of the device that prevents a vehicle with the device installed from starting after the lapse of the 5 days (see 92 Ill. Adm. Code 1001.442(b)(7)) and requires servicing by the manufacturer/installer of the device to make the vehicle operable for failure to take the vehicle with the device to the manufacturer or installer for any required monitor report or for any failure to send the device to the manufacturer within 5 days after any service or inspection notification.

"Petitioner" is the party who seeks or applies for relief from the Office from the suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

~~"Program" means the BAHD Program administered by the Secretary.~~

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)3 of the Code.

"Reinstatement" means the restoration of driving privileges entitling the petitioner to apply for a new driver's license in accordance with the requirements of the Illinois Vehicle Code and this Chapter.

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"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition or application or the relief sought through that action, is made a respondent or to whom an order or complaint is directed by the department initiating a proceeding.

"~~Rolling~~ Running retest" means that feature of the device that requires the driver to take additional BrAC tests after the initial test to start the vehicle.

"Secretary" means the Illinois Secretary of State or his designee.

"Service or inspection notification" means that feature of the device that advises or notifies the BAIID ~~Permittee~~ permittee to either take the vehicle with the device installed to the BAIID provider ~~manufacturer~~ or installer or send the device to the BAIID provider ~~manufacturer~~ or installer for the required inspection and the monitor report.

"Service center" means an authorized dealer, distributor, supplier, or other business engaged in the installation of BAIIDs ~~devices~~ and is synonymous with installer.

"Significant other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's established life style (e.g., spouse, other family member, employer, co-worker, clergy member, roommate).

"Significant Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

one prior conviction or court ordered supervision for DUI, one prior statutory summary suspension, or one prior reckless driving conviction reduced from DUI; and/or

a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI; and/or

other symptoms of substance abuse. (See 77 Ill. Adm. Code 2060.503(g).)

"Stressed" means conditions such as temperature extremes, vibration, and power variability.

"Support/recovery program" means specific activities which a recovering alcoholic/chemically dependent person has incorporated into his/her life style to help support his/her continued abstinence from alcohol and other drugs. This may include, but

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is not limited to, participating in a self-help program (Alcoholics Anonymous, Narcotics Anonymous, etc.) or a professional support group, or regularly and frequently engaging in religious or other activities which have a distinct and positive effect on an individual's continued abstinence. Any program and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self report (such as indicated in Section 1001.440(e) through (i) of this Part). The hearing officer shall determine the viability of the petitioner's program as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing, as well as considering whether the program is substantially consistent with the following criteria:

The program encourages life style change which involves the replacement of substance using activity with non-substance using activity; a strong focus of the program is to provide ongoing assistance in identifying and resolving substance dependency-related issues that may jeopardize an individual's continued recovery;

The program encourages positive individual values of responsibility and honesty, as well as less self-centered thinking;

The program has demonstrated a durability and stability over time that reflects its usefulness in supporting long-term recovery.

"Tampering" means an overt, conscious attempt to disable or disconnect the interlock device.

"24 Hour lockout" means that feature of the device that causes a vehicle with the device installed to become inoperable for a period of 24 hours any time the device registers 3 BrAC readings of 0.05 or more within a 30 minute period.

"Undue hardship as it relates to educational pursuits" means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It is more than mere inconvenience to the petitioner, and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue hardship as it relates to employment " means, as used in the context of Sections 6-205(c) and 6-206(c)3 of the Code, an extreme difficulty in regard to getting to or from a petitioner's place of employment or to operate on a route during employment; e.g., as delivery person, because of the suspension, revocation, or cancellation of the petitioner's driving privileges. It is more than mere inconvenience on the petitioner and pertains only

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to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue hardship as it relates to necessary medical care" means an extreme difficulty in regard to getting to and from a location where petitioner or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a licensed physical or mental health care provider. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Undue hardship as it relates to support/recovery program" means an extreme difficulty in regard to getting to and from a location where a petitioner is participating in an ongoing support program. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Unsuccessful attempt to start the vehicle" means anytime the BAIID ~~Permittee~~ permittee registers a BrAC reading of 0.025 or more on the device when attempting to start the vehicle.

"Vehicle", for purposes of the Breath Alcohol Ignition Interlock Device Program, means every apparatus in, upon or by which any person or property is or may be transported or drawn upon a highway and that is self-propelled, except for apparatuses moved solely by human power, motorized wheelchairs, motorcycles and motor driven cycles ~~and motoreycles~~.

"Vendor" means a retail or wholesale supplier of a device, and may include a service center.

"W/V" means weight of alcohol in the volume of breath based upon grams of alcohol per 210 liters of breath.

(Source: Amended at 27 Ill. Reg.13577, effective August 1, 2003.)

Section 1001.441 Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs
Program

- a) ~~A program is hereby established to integrate~~ The issuance of RDPs to a BAIID

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petitioner shall be conditioned upon the use of a Breath Alcohol Ignition Interlock Device (BAIID), as required by §§~~6-205(e) and 6-206(e)3~~ and/or 11-501 of the IVC. As provided in these Sections, a BAIID petitioner must pay a non-refundable fee of \$20 per month on an annual basis, for a total annual payment of \$240. This total annual payment must be paid in advance and prior to the issuance of any permit. Payment must be submitted in the form of a money order, check, or a credit card charge (with a pre-approved card), made payable to the Secretary of State. This fee must be paid by all petitioners for the issuance of restricted driving permits at any hearing conducted on or after 9 November 2001. The payment of the fee also applies to any petitioner who was issued a BAIID permit prior to 9 November 2001 and whose driving record requires that he/she install an interlock device ~~participate in the interlock program~~ according to the definition set forth in P.A. 92-418 (see §§6-205(c) and (d) and 6-206(c)3 of the IVC), and who petitions for a hearing to renew his/her restricted driving permits on or after 9 November 2001. Anyone driving on a BAIID permit on 9 November 2001 and whose driving record does not require that he/she operate a vehicle with a BAIID ~~participate in the interlock program~~ according to the definition set forth in P.A. 92-418, must nonetheless drive with the ~~interlock~~ BAIID device until the expiration of his/her permits (without payment of the above-referenced fee). Thereafter, such a petitioner is entitled to renew the restricted driving permits without the installation of the interlock device.

A BAIID petitioner who is renewing restricted driving ~~permit(s)~~ permits and who also is eligible for the full reinstatement of driving privileges less than 12 months from the date of the expiration of the current restricted driving permits at the time ~~she~~ he/she renews the permits, shall not be required to make an annual payment. If the petitioner has been scheduled for a formal hearing on a petition for reinstatement at the time of renewal, then petitioner shall pay the above-referenced fee in an amount equal to the number of months between the date of renewal and date of the hearing, plus an additional 3 months (not to exceed 12 months), times \$20. If the petitioner does not have a formal hearing on a petition for reinstatement scheduled at the time of renewal, then the fee shall be paid for 9 months. If, however, the petitioner is denied full reinstatement, then the petitioner must resume payment on an annual basis.

- b) The Secretary shall notify any BAIID petitioner who requests a hearing of the procedures for obtaining a BAIID and the BAIID requirements ~~requirements of the program~~. Notification may be accomplished in one of the following ways, though not limited thereto: informal hearing officer; phone contact; written notification, or by electronic mail.

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- c) All hearings involving a BAIID petitioner seeking driving relief shall be formal hearings. Any extension or modification of an RDP issued under this Section ~~the program~~ may be done at an informal hearing. Any hearing involving a BAIID petitioner shall be conducted as any other hearing under this Part and all other applicable standards shall apply.
- d) The Secretary shall issue an RDP to a BAIID petitioner if, through the hearing process, the petitioner is determined to meet all of the requirements ~~of Section 1001.440 of this Subpart D Part~~ and installs and utilizes a device in all any motor vehicles ~~vehicle~~ operated by the BAIID petitioner and, where applicable, all motor vehicles owned by the BAIID petitioner as required by the RDP issued under this Subpart D ~~the program~~. BAIIDs shall not be installed on and BAIID permittees shall not operate motorcycles or motor driven cycles.
- e) Prior to the taking of evidence at the hearing:
- 1) The hearing officer shall make sure that the BAIID petitioner understands: all of the provisions and requirements conditions of receiving a BAIID permit ~~the program~~; that to obtain an RDP the BAIID petitioner must minimally meet all of the requirements of Section 1001.440 of this Subpart D Part and install and utilize the device; that a BAIID petitioner's agreement to install a BAIID or willingness to comply with the BAIID requirements ~~participation in the program~~ does not guarantee issuance of an RDP; and that all costs associated with the device are the responsibility of the BAIID petitioner; and
 - 2) The BAIID petitioner shall advise the hearing officer that he/she understands all of the provisions and conditions of the BAIID requirements ~~program~~ and whether he/she agrees chooses to comply with the BAIID requirements ~~participate in the program~~. If the BAIID petitioner is unwilling to use the device, or comply with this Section, he/she shall be advised that restricted driving permits cannot be granted.
- f) After the hearing, the hearing officer shall consider the evidence and the relief requested and make a recommendation as in any other hearing under this Part.
- 1) If the hearing officer does not determine that the relief requested should be granted, an order denying relief shall be prepared.
 - 2) If the hearing officer determines that an RDP should be granted, an order granting a RDP shall be prepared with the additional requirement that the

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RDP is conditioned upon the installation and continued use of the device. All RDPs issued under this Section ~~the program~~ shall require continued use of the device until the driving privileges of the petitioner are reinstated.

- g) ~~Upon~~ After the issuance of ~~an order granting~~ an RDP under this Section, ~~the Secretary shall send a list of certified BAIID providers to the BAIID permittee program.~~ In addition to the other requirements under this Part, the BAIID Permittee may operate the vehicle for 14 days from the issuance of the RDP without the device installed only for the purpose of taking the vehicle to a BAIID provider manufacturer or installer for installation of the device. The installer or BAIID provider must notify the Secretary that a device has been installed in the vehicles designated by the BAIID ~~Permittee~~ permittee within 7 days from the date of the installation of the device. Proof of installation shall be by such means ~~in writing, on letterhead as determined by the Secretary~~ from the installer or BAIID provider manufacturer. Failure to comply with these requirements will result in the denial of driving relief and the cancellation of any RDP issued.
- h) Any BAIID petitioner receiving an RDP under this Section ~~this program~~ must comply with the following requirements:
- 1) Operate only vehicles with an installed, operating device authorized by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the BAIID ~~Permittee~~ permittee as required by the RDP issued under this Section ~~the program~~.
 - 2) Take the vehicle with the device installed to the BAIID provider manufacturer or installer or send the appropriate portion of the device to the BAIID provider or installer ~~manufacturer~~ within the first 30 days for an initial monitor report to help the BAIID ~~Permittee~~ permittee learn how to correctly use the device, and thereafter not longer than every 60 days for the purposes of calibration and having a monitor report of the device's activity prepared and sent to the Secretary by the BAIID provider manufacturer or installer.
 - 3) Take the vehicle with the device installed to the BAIID provider manufacturer or installer or send the appropriate portion of the device to the BAIID provider or installer ~~as instructed manufacturer~~ for a monitor report within 5 working days after any service or inspection notification.
 - 4) Maintain a journal of events surrounding unsuccessful attempts to start the

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vehicle, failures to successfully complete a ~~rolling~~ running retest, or any problems with the device. If BAIIDs have been installed on multiple vehicles pursuant to Section 1001.443, a separate journal must be kept for each vehicle, recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, or any problems with the device, and recording the name of the driver operating the vehicle at the time of the event.

- i) Upon receipt or nonreceipt of the monitor reports, the Secretary shall review them and take the following action. The failure of the BAIID ~~Permittee~~ permittee to comply with the requirements of this Subpart D ~~the program~~ will be made part of his/her record of performance to be considered at future formal hearings.
 - 1) For any BAIID ~~Permittee~~ permittee who fails to take ~~a~~ the vehicle with the device in for timely monitor reports or send the appropriate portion of the device, utilizing a traceable package delivery service, to the BAIID provider or installer ~~manufacturer~~ for timely monitor reports, send a letter to the BAIID ~~Permittee~~ permittee indicating that if the device is not taken in for a monitor report within 10 days after the date of the letter, the failure to comply will be made part of his/her record of performance;
 - 2) For any BAIID ~~Permittee~~ permittee whose monitor reports show 10 or more unsuccessful attempts to start the vehicle, or a failure to successfully complete a ~~rolling~~ running retest, during the initial monitor period, send a warning letter to the BAIID ~~Permittee~~ permittee indicating that future unsuccessful attempts to start the vehicle or failure to successfully complete a ~~rolling~~ running retest will result in the Secretary sending a letter to the BAIID ~~Permittee~~ permittee asking for an explanation of the unsuccessful attempts to start the vehicle or the failure to successfully complete a ~~rolling~~ running retest;
 - 3) For any BAIID ~~Permittee~~ permittee whose monitor reports show 10 or more unsuccessful attempts to start the vehicle after the initial monitor report period, send the BAIID ~~Permittee~~ permittee a letter asking for an explanation of the unsuccessful attempts to start the vehicle. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance;

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- 4) For any BAIID ~~Permittee~~ permittee whose monitor reports show a failure to successfully complete a ~~rolling~~ running retest, after the initial monitor report period, send the BAIID ~~Permittee~~ permittee a letter asking for an explanation of the failure to successfully complete a ~~rolling~~ running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonable assure the Secretary, the failure to comply will be made part of his/her record of performance;
- 5) For any BAIID ~~Permittee~~ permittee whose monitor reports show a BrAC reading of 0.05 or more or a pattern of BrAC readings consistent with the use of alcoholic beverages, regardless of any other provision contained in this Section, there shall arise a rebuttable presumption that the BAIID ~~Permittee~~ permittee consumed alcoholic beverages. The presumption may result in the cancellation of the RDP if the BAIID ~~Permittee~~ permittee is required to abstain from alcohol, claimed abstinence at the time of the hearing, or agreed at the hearing not to consume alcohol to the point of attaining a BrAC of 0.025 while attempting to drive a vehicle. In ~~such~~ every case, the Secretary shall send a letter asking for an explanation of the BrAC reading or the pattern of BrAC readings consistent with the use of alcoholic beverages. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that the BAIID ~~Permittee~~ permittee did not consume alcoholic beverages, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance and the Secretary shall cancel the RDP and authorize the immediate removal/deinstallation of any BAIID;
- 6) For any BAIID ~~Permittee~~ permittee who was arrested/stopped by the police for an alcohol/drug related offense, failed a ~~rolling~~ running retest, or failed to take a ~~rolling~~ running retest, if the police officer's report indicates the use of alcoholic beverages and/or drugs, the Secretary shall send the BAIID ~~Permittee~~ permittee a letter asking for an explanation of the incident. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance;

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- 7) For any BAIID ~~Permittee~~ permittee whose initial monitor or monitor reports show any tampering with or unauthorized circumvention of the device or physical inspection by an installer shows any tampering with or unauthorized circumvention of the device, the Secretary shall immediately cancel the RDP and authorize the immediate removal/deinstallation of the device.
- j) Receipt of any one of the following shall also be grounds for immediate cancellation of an RDP issued under this Section program:
- 1) Any law enforcement report showing operation of a vehicle by a BAIID ~~Permittee~~ permittee without a device as required by the RDP issued under this Section program. The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it, or a copy of it, along with the report, to the Secretary;
 - 2) ~~Written N~~otification from a BAIID provider or manufacturer/installer on a removal/deinstallation report form stating that ~~the their~~ device installed in a BAIID ~~Permittee's~~ permittee's vehicle has been removed and/or is no longer being utilized by the permittee, as required by subsection (d), including a removal or deinstallation caused by the BAIID permittee's failure to pay lease or rental fees due to the BAIID provider;
 - 3) Any law enforcement report involving a DUI arrest/~~stop~~ or other law enforcement report indicating use of alcohol in violation of Subpart D.
- k) Any BAIID ~~Permittee~~ permittee whose RDP ~~issued under this program~~ is cancelled as provided for in this Section may request a hearing to contest the cancellation within 60 days from the effective date of the cancellation. Such a hearing will be scheduled and held on an expedited basis. The hearing will be conducted as any other formal hearing under this Part. Any BAIID ~~Permittee~~ permittee whose RDP is cancelled under the provisions of this Section and who: is required to abstain from alcohol; claimed abstinence at the time of the hearing; or agreed at the hearing not to consume alcohol to the point of attaining a BrAC of 0.025 while attempting to drive a vehicle; and who admits to consuming alcoholic beverages may not request a hearing to contest the cancellation.
- l) Any BAIID ~~Permittee~~ permittee whose RDP ~~issued under this program~~ is cancelled for any reason as provided for in this Section shall not be granted another hearing for any type of driving relief for one year from the date of the cancellation, except to contest the cancellation as provided in subsection (k). This

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provision does not apply to BAIID ~~Permittee~~ permittees who: voluntarily have surrendered their RDPs; have not committed any offense or act that would be grounds for the cancellation of their RDPs; or are able to demonstrate that he/she was not the perpetrator of the offense or conduct which otherwise would be grounds for the cancellation of his/her RDPs.

- m) Any formal order entered which grants the issuance of ~~a~~ an RDP as provided for in this Section ~~under this program~~ shall, in addition to all other requirements, clearly indicate the following:
- 1) That the RDP is issued conditioned upon BAIID installation and proper usage of the BAIID by the permittee; and ~~under the program;~~
 - 2) That the BAIID ~~Permittee~~ permittee is aware of ~~the program and all of its conditions and terms of~~ BAIID installation and proper usage of the BAIID, and ~~he or she~~ accepts those conditions and terms as conditions precedent to the issuance of the RDP.
- n) Any RDPs issued as provided for in this Section ~~under this program~~ shall, in addition to all other requirements, clearly indicate:
- 1) That the RDP permit is issued pursuant to the BAIID requirements of this Section ~~under the program~~, and ~~that when~~ a vehicle operated by a BAIID ~~Permittee~~ permittee must be equipped with an installed, properly operating device;
 - 2) That the provisions of the RDP also allow the BAIID ~~Permittee~~ permittee to drive to and from the BAIID provider ~~manufacturer~~ or installer for the purposes of installing the device within 14 days after the issuance of the RDP, or obtaining monitor reports, and any necessary servicing.
- o) The Secretary shall gather all monitor reports and any other information relative to the ~~permittee's petitioner's~~ performance and compliance with the BAIID requirements under this Subpart D ~~program~~. Such reports may be used as evidence at any administrative hearing conducted by the Secretary under this Part.
- p) The Secretary may make a medical or physical BAIID modification or waiver for RDPs issued under this Section ~~the program~~.
- q) In determining whether a BAIID permittee is exempt from the BAIID requirements pursuant to the waiver provided for in Sections 6-205 and 6-206 of

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the IVC, the following shall apply:

- 1) The term “employer” shall not include an entity owned or controlled in whole or in part by the permittee or any member of the permittee's immediate family, unless the entity is a corporation and the permittee and the permittee's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;
 - 2) The exemption shall not apply where the employer’s vehicle is assigned exclusively to the BAIID permittee and used solely for commuting to and from employment.
- r) The Secretary must notify the BAIID permittee of the decertification of a BAIID provider or the decertification of a particular type of BAIID. The BAIID permittee must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The BAIID permittee must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The BAIID permittee must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the BAIID permittee’s RDP. All costs related to any change in BAIID provider or BAIID shall be paid by the BAIID permittee.

(Source: Amended at 27 Ill. Reg.13577, effective August 1, 2003)

Section 1001.442—Manufacturer's Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions BAIID Providers Certification Procedures and Responsibilities; Approval of Breath Alcohol Ignition Interlock Devices; Inspections; BAIID Installer’s Responsibilities; Disqualification of a BAIID Provider

- a) ~~The responsibilities of a device manufacturer shall include:~~
- 1) ~~The manufacturer shall carry product liability insurance with minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. The liability insurance shall include coverage for defects in product design and materials as well as manufacturing, calibration, installation, and removal of devices. The proof of insurance shall include a statement from~~

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~~the insurance company that 30 days notice will be given to the Secretary and DPH before cancellation of the insurance;~~

- ~~2) The manufacturer shall indemnify and hold harmless the State, the Secretary and its officers, employees and agents, and DPH and its officers, from all claims, demands, actions and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the manufacturer relating to the installation, service, repair, use or removal of a device;~~
- ~~3) The manufacturer of a device shall develop separate detailed written instructions regarding the installation, maintenance and the normal operation of the device;~~
- ~~4) The manufacturer shall provide an 800 customer service/question/complaint hotline;~~
- ~~5) The manufacturer shall provide a training program for the individual operating the device on operation, maintenance, and safeguards against improper operations. The manufacturer shall warn the BAHD Permittee that any tampering with or unauthorized circumvention of the device will result in the immediate cancellation of their RDP. The manufacturer shall instruct the BAHD Permittee and other individuals participating in the training program to maintain a journal of events surrounding failed readings or problems with the device;~~
- ~~6) The manufacturer shall provide informational materials to the Secretary for distribution to BAHD Eligible Petitioners;~~
- ~~7) The manufacturer shall provide a warranty of performance to ensure responsibility for support of service within a maximum of 48 hours after notification of a request for service. This support shall be in effect during the period the device is required to be installed in a motor vehicle;~~
- ~~8) The manufacturer shall provide expert or other required testimony in any civil or criminal proceedings or administrative hearings as to the method of manufacture of the device, how said device functions. In the event it should become necessary for the Secretary or DPH to provide testimony in any civil or criminal procedures involving the approval or use of the device, the manufacturer shall reimburse the Secretary or DPH for any costs incurred in providing such testimony. Failure to provide this reimbursement shall result in withdrawal of approval for the device;~~

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- 9) ~~The leases, fee schedules, installation verification forms, noncompliance report forms, calibration verification/tamper report forms, and removal/deinstallation report forms used by manufacturers in the program shall be approved by the Secretary;~~
- 10) ~~If a manufacturer requires a security deposit by a BAHD permittee and the amount of the deposit required is more than an amount equal to one month's rental or lease fee, said security deposit must be deposited in an escrow account established at a bank, savings bank or savings and loan association located within the manufacturer's Illinois BAHD region. The manufacturer will provide the Secretary with a certified statement of the escrow account upon his request.~~
- 11) ~~Any manufacturer whose device is installed must submit monitor reports to the Secretary no later than 7 days from the date the device is brought in for a monitor report or an appropriate portion of the device is sent to the manufacturer. These monitor reports shall be transmitted using agreed upon electronic transfer protocols. The Secretary shall provide an electronic copy of all monitor reports to DPH;~~
- 12) ~~The manufacturer shall provide to the Secretary upon request additional reports, to include but not be limited to records of installation, reinstallations, deinstallations, calibrations, maintenance checks and usage records on devices placed in service in the State. These records shall be agreed upon and transmitted using electronic transfer protocols and a copy shall be provided by the Secretary to DPH upon request;~~
- 13) ~~The manufacturer shall provide to the Secretary any available physical evidence of tampering with or circumvention of the device. The Secretary shall notify DPH of any such evidence upon request;~~
- 14) ~~The manufacturer shall service all BAHD Permittees in their designated geographic region under standards established for that region as set forth in Appendix A.~~
- b) ~~Approval of BAHDs for analyzing the alcohol content of breath:~~
- 1) ~~Preliminary approval of a device may be granted by the Secretary, in consultation with DPH, based on a review and evaluation of test results from a state or nationally recognized certified laboratory test facility regarding the device's ability to meet the Model Safety and Utility~~

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~~Specifications for Breath Alcohol Ignition Interlock Devices (BAIDs) promulgated by the National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 S. 7th St. SW, Washington, D.C. 20590, (202)366-5593, 57 Fed. Reg. 1172, April 7, 1992 (no subsequent dates or editions), except for:~~

- ~~A) 1.4.S, Power, if the device is not designed to be operated from the battery.~~
- ~~B) 1.5.2.S, Extreme Operating Range, if the device is not designed to be operated below -20°C and above $+70^{\circ}\text{C}$.~~
- ~~C) 2.3.S, Warm Up, if the device is not designed to be operated below -20°C .~~
- ~~D) 2.5.S, Temperature Package, if the device is not designed to be operated below -20°C and above $+70^{\circ}\text{C}$.~~
- ~~2) Within 36 months, final approval of a device may be granted by the Secretary, in consultation with DPH, based on a field testing protocol developed by the DPH and review of field performance results from the program.~~
- ~~3) No device shall be given approval if it demonstrates an accuracy rate ≥ 0.01 in unstressed conditions or ≥ 0.02 in stressed conditions.~~
- ~~4) Any device to be approved shall be designed and constructed with an alcohol setpoint of 0.025.~~
- ~~5) Any device to be approved shall require the operator of the vehicle to submit to a rolling retest at a random time within 5 to 15 minutes after starting the vehicle. Rolling retests shall continue at a rate of two per hour in random intervals not to exceed 45 minutes after the first rolling retest.~~
- ~~6) Any device to be approved shall be designed and constructed to immediately begin blowing the horn if:
 - ~~A) The rolling retest is not performed;~~
 - ~~B) The BrAC readings of the rolling retest is 0.05 or more;~~~~

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- ~~C) — Tampering or circumvention attempts are detected.~~
- ~~7) — The device shall be required to have permanent lockout 5 days after the Service or Inspection Notification if it is not serviced or calibrated. Notification shall be given by the device in the following cases: anytime the device registers three BrAC readings of .05 or more within a 30 minute period; 10 or more unsuccessful attempts to start the vehicle after the initial monitor report; to notify BAHID Permittee of the initial monitor report; a failure to successfully complete a rolling retest; after any attempted tampering or circumvention; every 60 days after the initial monitor report.~~
- ~~8) — The device shall be required to have 24 Hour Lockout anytime the BAHID Permittee registers three BrAC readings of 0.05 or more within a 30 minute period.~~
- ~~9) — Any device to be approved shall provide for calibration at least once every 60 days using a wet bath simulator or other approved equivalent procedure; i.e., dry gas standard.~~
- ~~10) — Any manufacturer/service center/vendor who sells, rents, and/or leases ignition interlock devices in Illinois shall report to the Secretary all such sales, rentals, and/or leases listing the name of the individual, his or her driver's license number, the installer, the installer's location, the make, serial number of the device, the make and model of the vehicle it is installed in, and VIN number of the vehicle within 15 days using an agreed upon electronic transfer medium and format. The Secretary shall provide a copy of the information to DPH.~~
- ~~11) — Any device which is not provided a preliminary approval or a final approval shall be re-tested at the request of the manufacturer but not more often than once in a given year.~~
- ~~12) — A manufacturer may apply for preliminary approval of a device by submitting a written request to the Secretary and DPH certifying the device:~~
- ~~A) — Does not impede the safe operation of a vehicle.~~
- ~~B) — Minimizes opportunities to bypass the device.~~

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- ~~C) — Performs accurately and reliably under normal conditions.~~
 - ~~D) — Prevents a BAHD Permittee from starting a vehicle when the BAHD Permittee has a prohibited BrAC; i.e., ≥ 0.025 .~~
 - ~~E) — Satisfies the requirements for certification set forth in this Section.~~
- ~~T13) — The written request shall include all of the following information:~~
- ~~A) — The name and address of the manufacturer of the device.~~
 - ~~B) — The name and model number of the device. A separate request is required for each model or type of device.~~
 - ~~C) — A detailed description of the device, including complete instructions for installation, operation, service, repair and removal.~~
 - ~~D) — Complete technical specifications describing the device's accuracy, reliability, security, data collection and recording, tamper detection, and environmental features.~~
 - ~~E) — A complete and accurate copy of data from a state or nationally recognized certified laboratory test facility regarding the device's ability to meet or exceed the specifications in this Section.~~
 - ~~F) — A description of the manufacturer's present and two year plan for distribution and service in Illinois.~~
 - ~~G) — A certification from the manufacturer that it will accept the region assigned as a result of a random draw and will service all BAHD Permittees residing in the designated region under standards established for that region.~~
- ~~14) — The Secretary, in consultation with DPH, shall issue a preliminary approval or disapproval of a device no later than 30 days after receipt of all required requested materials and certifications.~~
- ~~15) — The manufacturer shall provide the Secretary:~~
- ~~A) — A list of all locations in Illinois where the device may be purchased, rented, leased, installed, removed, serviced, repaired,~~

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~~calibrated, accuracy checked, inspected and monitored in an agreed upon format. The manufacturer shall notify the Secretary of any new locations or any locations which are closed;~~

~~B) Five production devices of which three will be used for field testing; and~~

~~C) Training for the Secretary's employees and DPH's inspectors and program administrator at no cost.~~

~~16) The manufacturer shall, at no cost to the State of Illinois, install the selected devices for field testing in the vehicles provided by the Secretary and DPH. DPH shall independently evaluate each device to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts and tampering.~~

~~17) A list of approved devices shall be maintained by the Secretary.~~

~~e) DPH Inspections~~

~~DPH may conduct independent inspections on any of the devices, installers, service providers, or manufacturers to determine if they are in compliance with these rules. If the independent inspection indicates a noncompliance with the rules, DPH shall notify the Secretary and he shall require the manufacturer to correct any noncompliance so reported. The manufacturer shall report in writing to the Secretary within 30 days after receiving notification of the noncompliance any corrective actions taken.~~

~~d) Disqualification of a Manufacturer~~

~~1) The Secretary shall disqualify a manufacturer or installer from participation in the program upon written notification and a 30 day opportunity to come into compliance in any of the following cases:~~

~~A) Failure to submit monitor reports in a timely manner as provided in subsection (a)(11). If the Secretary finds, through investigation, that the BAIID Permittee did take the vehicle with the installed device to the manufacturer or installer or sent the appropriate portion of the device to the manufacturer for a monitor report in a timely manner, a warning notification shall be sent to the~~

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~~manufacturer or installer indicating that a third such occurrence within a 12-month period will result in cancellation of participation;~~

~~B) — Failure to maintain liability insurance as required;~~

~~C) — Failure to comply with all of the duties and obligations contained in this Part.~~

~~2) — Upon disqualification or the cessation of the operation of a manufacturer, the Secretary shall assign future BAIID Permittees from that manufacturer's region to another manufacturer closest to the permittee. Upon disqualification of the manufacturer, the Secretary shall:~~

~~A) — Immediately reassign all Permittees previously assigned to the manufacturer to another manufacturer closest to the permittee; or~~

~~B) — If such action does not jeopardize the safety of the public, allow the disqualified manufacturer to continue to service any permittee assigned to it prior to the disqualification. However, such Permittees shall have the option of being reassigned to another manufacturer closest to the permittee.~~

~~All costs related to such reassignments shall be paid by the Permittees.~~

~~e) — Designation and Assignment of Regions~~

~~The Secretary shall by a random draw designate a defined geographic region for each approved manufacturer participating in the program. Each manufacturer shall be responsible for establishing installation or service sites within its assigned region to service BAIID Permittees residing in said region under standards established for that region as set forth in Appendix A.~~

a) No person or entity may provide BAIID services pursuant to this Subpart D unless certified as a BAIID provider by the Secretary. The Secretary shall begin accepting applications for certification immediately after August 1, 2003. All certified BAIID providers must apply for recertification on an annual, calendar year basis, with applications for recertification due in the Secretary's office no later than December 1 of each year. Upon the certification of one or more BAIID providers under this amended Subpart D, the Secretary will cease assigning

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BAIID permittees to BAIID manufacturers pursuant to the geographic districts set forth in previous rules.

- b) BAIID providers may be a manufacturer of BAIIDs, an authorized representative of a manufacturer of BAIIDs, an installer of BAIIDs or other business entity. Without regard to the specific business operations of the BAIID provider, all certified BAIID providers under this Section shall be responsible for insuring that all of the duties and responsibilities of a BAIID provider are carried out in accordance with this Subpart D, including, but not limited to, providing, distributing, installing and servicing approved BAIIDs. BAIID providers may provide these services through their own resources, through a subsidiary, or through contractual relationships with third parties.
- c) Persons or entities desiring to be certified as BAIID providers may submit an application for certification at any time after August 1, 2003. An application for certification or recertification as a BAIID provider shall include all of the following information:
- 1) The name, business address and telephone number of the applicant. If the applicant is a business entity other than a corporation, the application must include the names and addresses of the owners of the entity. If the applicant is a corporation, the application must include the names and addresses of any person or entity owning 10% or more of the outstanding shares of the corporation;
 - 2) The names, business addresses and telephone numbers, and titles of any officers, managers or supervisors of the applicant who will be involved in the provision of BAIID services;
 - 3) A description of each BAIID which the applicant proposes to install, including the name and address of the manufacturer and the model of the unit. Unless the BAIID has been certified by the Secretary pursuant to this Section, the application must include the information necessary to obtain certification of the BAIID pursuant to this Section;
 - 4) If the applicant is not a BAIID manufacturer, the application must include proof of the applicant's right to distribute and install the particular types of BAIIDs the applicant is proposing to utilize. Such proof may include a letter (composed on letterhead stationary), or a copy of a purchase, lease, rental or distribution agreement with the manufacturer;

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- 5) A detailed description of the applicant's plan for distribution, installation and service of BAIIDs in Illinois, including the names and addresses of all installers the applicant intends to use. This plan must demonstrate the applicant's ability to distribute and install BAIIDs and submit reports to the Secretary within the time frames established by this Subpart D;
 - 6) Proof that the applicant possesses the minimum liability insurance coverage required by this Section, and a statement agreeing to the indemnification and hold harmless provisions of this Section;
 - 7) In the event an original or amended application to be certified or recertified as a BAIID provider is denied, the Secretary shall limit additional applications from that applicant to one every 12 months;
 - 8) In deciding whether to grant or deny an application to be a BAIID provider, the Secretary may take into consideration the applicant's past performance in manufacturing, distributing, installing or servicing BAIIDs if the applicant has previously engaged in this type of business;
 - 9) A BAIID provider who has been certified pursuant to this Section may at any time submit an amended application seeking approval to distribute and install a type of BAIID in addition to or other than the types previously approved for that BAIID provider;
 - 10) The Secretary shall notify the applicant in writing of his decision regarding the application for certification as a BAIID provider.
- d) After certification by the Secretary, BAIID providers shall provide the following services and meet the following requirements:
- 1) The BAIID provider shall submit proof of liability insurance with its application to the Secretary. General commercial liability and/or product liability insurance, which shall include coverage for installation services, shall be maintained with minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. If the BAIID provider is not both the manufacturer and installer of the device, proof of liability insurance must be provided showing coverage of both the manufacturer and the installers. If proof of separate policies for the manufacturer and installers is provided, each policy must have minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. Other commercially acceptable insurance arrangements, in the same minimum

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amounts, may be accepted at the discretion of the Secretary;

- 2) As a condition of being certified as a BAIID provider, the BAIID provider shall agree to indemnify and hold the State of Illinois and the Secretary, their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments, including costs, attorneys' and witnesses' fees, and expenses incident thereto, relating to bodily injuries to persons (including death) and for loss of, damage to, or destruction of real and/or tangible personal property (including property of the State) resulting from the negligence or misconduct of the BAIID provider, its employees, agents, or contractors in the manufacture, installation, service, repair, use or removal of a BAIID or performance of any other duties required by this Section;
- 3) All installations of BAIIDs shall be done in a workmanlike manner and shall be in accordance with the standards set forth in this Section and with the requirements of the manufacturer. All BAIIDs installed shall be in working order and shall perform in accordance with the standards set forth in this Section. All BAIIDs must be installed and all reports to the Secretary must be made within the time frames established by this Subpart D;
- 4) The BAIID provider shall only install models of BAIIDs that the provider has been authorized to install pursuant to this Section and the BAIIDs shall only be installed at installation sites reported to the Secretary pursuant to this Section;
- 5) Any BAIID provider that sells, rents, and/or leases ignition interlock devices in Illinois pursuant to this Subpart D shall report to the Secretary within 7 days all such sales, rentals, and/or leases listing the name of the individual, his or her driver's license number, the installer, the installer's location, the make and serial number of the device, the make and model of the vehicle it is installed in, and VIN number of the vehicle;
- 6) The BAIID provider shall provide a toll free customer service/question/complaint hotline that is answered, at a minimum, during normal business hours, Monday through Friday;
- 7) The BAIID provider shall provide a course of training and written instructions for the BAIID permittee on operation, maintenance, and safeguards against improper operations. The BAIID provider shall warn

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the BAIID permittee that any tampering with or unauthorized circumvention of the device will result in the immediate cancellation of his or her RDP. The BAIID provider shall instruct the BAIID permittee to maintain a journal of events surrounding failed readings or problems with the device. Copies of all materials used in this course of training shall be provided to the Secretary;

- 8) The BAIID provider shall provide service for malfunctioning or defective BAIIDs within a maximum of 48 hours after notification of a request for service. This support shall be in effect during the period the device is required to be installed in a motor vehicle;
- 9) The BAIID provider shall provide, at the request of the Secretary, expert or other required testimony in any civil or criminal proceedings or administrative hearings as to issues involving BAIIDs, including the method of manufacture of the device and how the device functions;
- 10) If a BAIID provider requires a security deposit by a BAIID permittee and the amount of the deposit required is more than an amount equal to one month's rental or lease fee, the security deposit must be deposited in an escrow account established at a bank, savings bank or savings and loan association located within the State of Illinois. The BAIID provider will provide the Secretary with a certified statement of the escrow account upon his request;
- 11) BAIID providers must submit monitor reports or reports of any other service to the Secretary whenever a BAIID is brought in for monitoring or whenever a BAIID is brought in pursuant to a service or notification report. Except as provided in subsection (d)(11), the reports must be submitted to the Secretary no later than 7 days from the date the BAIID is brought in or an appropriate portion of the BAIID is sent to the BAIID provider. All BAIIDs shall be recalibrated whenever they are brought in for any type of service or monitoring using a wet bath simulator or other approved equivalent procedure; i.e., dry gas standard;
- 12) The BAIID provider shall report to the Secretary within two business days the discovery of any evidence of tampering with or attempts to circumvent a BAIID. The BAIID provider shall preserve any available physical evidence of tampering circumvention and shall make that evidence available to the Secretary;

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- 13) BAIID providers shall provide to the Secretary, upon request, additional reports, to include but not be limited to, records of installation, reinstallations, deinstallations, calibrations, maintenance checks and usage records on devices placed in service in the State;
- 14) The BAIID provider shall provide service to all BAIID permittees who request services from the BAIID provider and who have met the requirements of this Subpart D, including the payment of fees due to the provider;
- 15) The BAIID provider must immediately notify the Secretary in writing if it or its manufacturer or installer becomes unable to produce, supply, service, repair, maintain, or monitor BAIIDs in a manner which enables it to service BAIID permittees as required and within the deadlines specified in this Subpart D;
- 16) The BAIID provider shall provide the Secretary a list of all locations in Illinois where the device may be purchased, rented, leased, installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored. The BAIID provider shall notify the Secretary within 48 hours of any new installation locations or any installation locations which are closed;
- 17) The Secretary may designate the form, format and method of delivery (e.g., facsimile, electronic transfer, etc.), for any reports, information, or data required to be filed with the Secretary pursuant to this Subpart D, including, but not limited to, installation verification forms, monitoring report forms, noncompliance report forms, notices of calibration, verification, tampering or circumvention, and removal or deinstallation report forms;
- 18) The Secretary shall review and approve leases or rental agreements the BAIID provider intends to utilize between the BAIID provider and the BAIID permittee. The BAIID provider shall submit to the Secretary a copy of the schedule of all fees which will be charged to BAIID permittees, and shall submit an amended schedule of fees whenever there is a change to the BAIID provider's fees;
- 19) The BAIID providers shall agree to take assignments to unserved areas of Illinois pursuant to this Section, as those areas are defined in subsection (i)(2);

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- 20) The Secretary shall have the right to conduct independent inspections of BAIID providers, manufacturers and installers, including inspection of any devices present at the time of the inspection, to determine if they are in compliance with the requirements of this Subpart D. The Secretary shall notify in writing and require the BAIID provider to correct any noncompliance revealed during any inspections. Within 30 days after receiving a notice of noncompliance, the BAIID provider shall notify the Secretary in writing of any corrective action taken;
- 21) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, provide the Secretary with not more than two BAIIDs for each model which is certified under this Section. These models will be used for demonstration and training purposes.
- e) Only BAIIDs which have been certified for use in Illinois pursuant to this Section may be installed in the vehicles of BAIID permittees by BAIID providers. Certification of a BAIID may be granted by the Secretary based on the following criteria:
- 1) Approval of a device may be granted by the Secretary, based on a review and evaluation of test results from any nationally recognized and certified laboratory test facility which is accredited by one of the following: International Standards Organization (ISO-25), National Voluntary Lab Accreditation Program-National Institutes of Standards & Technology (NVLAP), or Clinical Laboratory Improvement Amendments-U.S. Department of Health and Human Services (CLIA). The evaluation and test results must affirm the device's ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation, 400 S. 7th St. SW, Washington, D.C. 20590, (202)366-5593, 57 Fed. Reg. 1172, April 7, 1992 (no subsequent dates or editions), except for:
- A) 1.4.S, Power, if the device is not designed to be operated from the battery;
- B) 1.5.2.S, Extreme Operating Range, if the device is not designed to be operated below -20° C and above +70° C;
- C) 2.3.S, Warm Up, if the device is not designed to be operated below -20° C;

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- D) 2.5.S, Temperature Package, if the device is not designed to be operated below -20°C and above +70° C;
- 2) The BAIID provider must certify that the BAIID:
- A) Does not impede the safe operation of a vehicle;
 - B) Minimizes opportunities to bypass the device;
 - C) Performs accurately and reliably under normal conditions;
 - D) Prevents a BAIID permittee from starting a vehicle when the BAIID permittee has a prohibited BrAC; i.e., $P \geq 0.025$;
 - E) Satisfies the requirements for certification set forth in this Section;
- 3) No device shall be given approval if it demonstrates an accuracy rate ≥ 0.01 in unstressed conditions or ≥ 0.02 in stressed conditions. The terms “stressed” and “unstressed” shall be defined according to the NHTSA standards referred to in subsection (e)(1);
- 4) Any device to be approved shall be designed and constructed with an alcohol setpoint of 0.025;
- 5) Any device to be approved shall require the operator of the vehicle to submit to a running retest at a random time within 5 to 15 minutes after starting the vehicle. Running retests shall continue at a rate of two per hour in random intervals not to exceed 45 minutes after the first running retest;
- 6) Any device to be approved shall be designed and constructed to immediately begin blowing the horn if:
- A) The running retest is not performed;
 - B) The BrAC readings of the running retest is 0.05 or more; or
 - C) Tampering or circumvention attempts are detected;
- 7) The BAIID shall be required to have permanent lockout 5 days after it gives service or inspection notification to the BAIID permittee if it is not serviced or calibrated within that five day period. The BAIID shall give

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service or inspection notification to the BAIID permittee upon the occurrence of any of the following events:

- A) Every instance in which the device registers 3 BrAC readings of .05 or more within a 30 minute period;
- B) ny attempted tampering or circumvention;
- C) The time for the BAIID permittee to take the vehicle for the initial monitor report;
- D) Every 60 days after the initial monitor report;

In addition, the BAIID shall record and communicate to the BAIID permittee and to the Secretary's office via monitor reports all of the preceding events and all starts of the vehicle, both successful and unsuccessful;

- 8) The device shall be required to have 24 hour lockout anytime the BAIID permittee registers 3 BrAC readings of 0.05 or more within a 30 minute period;
- 9) Approval of a device may be withdrawn by the Secretary, based on a field testing protocol developed by the Secretary to determine the device's ability to operate in a consistently reliable manner and based upon review of field performance results; a review of BAIID usage by BAIID permittees; and BAIID monitor reports;
- 10) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, install not more than three of each model of BAIID for which certification is sought in the vehicles provided by the Secretary for field testing. The Secretary may independently evaluate each device to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts and tampering;
- 11) Upon the request of the Secretary, for each model of BAIID certified under this Section, the BAIID provider shall provide a total of at least 10 hours of training to the Secretary's employees at no cost to the State of Illinois. This training shall be held at the times and locations within the State designated by the Secretary. The training shall be designed to

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familiarize the Secretary's employees with the installation, operation, service, repair and removal of the BAIIDs and with the training and instructions that the BAIID provider will give to BAIID permittees. The BAIID provider shall also provide the Secretary, upon request, the following materials:

- A) A detailed description of the device, including complete instructions for installation, operation, service, repair and removal of the BAIID;
- B) Complete technical specifications describing the BAIID's accuracy, reliability, security, data collection and recording, tamper and circumvention detection, and environmental features;

12) Any device which is not approved shall be re-tested at the request of the BAIID provider but not more often than once in a calendar year;

13) After August 1, 2003, the Secretary shall not accept for approval any BAIID which uses Taguchi cell technology to determine BrAC. By September 1, 2003, the Secretary shall publish an initial list of BAIIDs that do not utilize Taguchi cell technology and that have been approved for use in Illinois by the Secretary. The devices on this list shall meet all standards set forth in this Section. Between January 1, 2004 and December 31, 2004, approved BAIID service providers shall only install approved devices which do not utilize Taguchi cell technology. Taguchi cell devices installed before January 1, 2004 may remain installed until the end of the contract period or until January 1, 2005, whichever occurs first. Beginning January 1, 2005, no devices using Taguchi cell technology shall be permitted in BAIID permittee vehicles.

f) BAIID Installers

1) All installations of BAIIDs must be performed by installers identified to the Secretary as employees of or contractors of a certified BAIID provider. The provider must inform the Secretary whether installation is being done by its own employees, contractors, or both. All installations shall be performed in a workmanlike manner. BAIID providers shall be responsible for their installer's compliance with this Subpart D. A BAIID provider may be decertified by the Secretary for the noncompliance of its installer with the requirements of this Subpart D;

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- 2) All BAIID installers shall have all tools, test equipment and manuals needed to install devices and screen motor vehicles for acceptable mechanical and electrical condition prior to installation;
- 3) he installer shall provide adequate security measures to prevent access to the device (tamper seals or installation instructions);
- 4) The installer shall appropriately install devices on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the device manufacturer's instructions. All connections shall be soldered and covered with tamper seals. It is the BAIID permittee's responsibility to repair the vehicle if any prior condition exists that would prevent the proper functioning of the device. The installer shall inform the BAIID permittee that a problem exists, but shall not be responsible for repairing the vehicle;
- 5) The installer shall not install devices in a manner that could adversely affect the performance of the device or impede the safe operation of the motor vehicle;
- 6) The installer shall verify that a device is functioning properly after it has been installed in the motor vehicle;
- 7) The installer shall restore a motor vehicle to its original condition when a device is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent;
- 8) Where the installer is also providing monitoring and other services for the BAIID after installation, the installer shall perform all of the duties which are associated with service after the installation and which are required by this Section of a BAIID provider. These duties shall include, but are not limited to, completing all monitoring reports, making notification of any evidence of tampering or circumvention, and recalibrating BAIIDs whenever they are brought in for service or monitoring.
- g) The Secretary shall disqualify a BAIID provider from providing BAIID services in Illinois, upon written notification and a 30 day opportunity to come into compliance, in any of the following cases:
 - 1) Failure to submit monitor reports in a timely manner as provided in subsections (d)(11) and (d)(12). If the Secretary finds, through

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investigation, that the BAIID permittee did take the vehicle with the installed device to the BAIID provider, or sent the appropriate portion of the device to the BAIID provider for a monitor report in a timely manner, a warning notification shall be sent to the BAIID provider indicating that a third such occurrence within a 12 month period will result in decertification;

- 2) Failure to maintain liability insurance as required;
 - 3) Failure to install approved devices within the time requirements of this Subpart D;
 - 4) Failure to comply with all of the duties and obligations contained in this Subpart D;
 - 5) Failure to provide BAIID permittees with correct information regarding the requirements of this Subpart D.
- h) Upon decertification of a BAIID or the decertification of or the cessation of the operation of a BAIID provider, the Secretary shall notify in writing all affected BAIID permittees of the decertification of the BAIID or the decertification of or the cessation of the operation of a BAIID provider.
- i) Designation of Installation Sites
- 1) Each BAIID provider shall be responsible for establishing installation sites within the State to service BAIID permittees;
 - 2) The Secretary shall monitor the location of installation sites throughout Illinois. If the Secretary determines that any place in Illinois is not within 75 miles of an installation site, the Secretary shall randomly select one of the certified BAIID providers and require that BAIID provider to establish an installation site in the unserved area. If a second or subsequent area of Illinois is determined not to be within 75 miles of an installation site, the Secretary shall randomly select a BAIID provider other than the one selected previously and require that BAIID provider to establish an installation site in the unserved area. As a condition of being certified by the Secretary, BAIID providers must agree to take assignments to unserved areas pursuant to this subsection (i)(2).

(Source: Amended at 27 Ill. Reg. 13577, effective August 1, 2003)

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Section 1001.443 Breath Alcohol Ignition Interlock Device Multiple Offender—Compliance with Interlock Program

- a) For the purposes of this ~~Part~~ Section, a person “owns” a vehicle when it is registered in his or her name, regardless of whether it is registered solely in his or her name or jointly with another person or persons.
- b) Anyone who is required to install an interlock device on all vehicles which he or she owns, pursuant to §§6-205(h) and 11-501(i) of the IVC, and who is granted any driving relief pursuant to Subpart D of this Part, shall certify to the Secretary, in the manner stated in subsection (c), that he or she has installed an interlock device on all vehicles he or she owns within 14 days after the issuance of driving relief. The offender must maintain an interlock device on each vehicle for a period of 12 consecutive months.
- c) A BAIID ~~Multiple Offender~~ multiple offender shall certify compliance with the interlock program by filing an affidavit with the Secretary which states that the offender installed an interlock device on all vehicles he or she owns and which lists, by make, model, and registration plate number, each and every vehicle that the offender owns, the name and address of the installer, the date installed, and any other information deemed necessary by the Secretary. The offender must submit one certification listing all of the vehicles that he or she owns on a form provided by the Secretary. This certification must be submitted within 7 days after the date of the final installation. The failure to submit this certification within the time allowed will result in the immediate cancellation of the driving relief issued.

The offender must submit another, complete affidavit whenever he or she buys another vehicle, sells a vehicle listed on the affidavit, or changes the installer. This new certification must be submitted within 7 days after the date that one of these transactions is finalized. The failure to submit this certification within the time allowed will result in the immediate cancellation of the driving relief issued.

- ~~d) The Secretary shall verify compliance by conducting periodic random checks of the information contained in the affidavits filed by BAIID Multiple Offenders, and by monitoring compliance with the terms and conditions of the interlock program as provided in §1001.441. If the Secretary finds evidence of non-compliance, then the Secretary will send the offender a letter asking for an explanation for the alleged violation. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that~~

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~~no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will result in the immediate cancellation of the driving relief issued. The cancellation shall continue until the offender submits the proper affidavit. The offender may contest the cancellation by filing a petition for a formal hearing pursuant to §2-118 of the Code.~~

The Secretary shall verify compliance by conducting periodic random checks of the information contained in the affidavits filed by BAIID multiple offenders, and by monitoring compliance with the terms and conditions of the interlock requirements as provided in §1001.441.

- 1) If the Secretary finds evidence of non-compliance with the affidavit requirements, then the Secretary will send the offender a letter asking for an explanation for the alleged violation. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will result in the immediate cancellation of the driving relief issued. The cancellation shall continue until the offender submits the proper affidavit. BAIID multiple offenders whose driving privileges are cancelled due to violation of the affidavit requirements will be required to certify installation of another BAIID and compliance with the affidavit requirements of this Section for another 12 consecutive months from the date that their compliance is re-certified;
 - 2) If the Secretary finds evidence of non-compliance with the terms and conditions of the interlock requirements by a BAIID multiple offender whose driving privileges have been reinstated, then the offender's driving privileges will be cancelled for a term of 3 months on the first violation, 6 months on the second violation, and 12 months on the third and subsequent violations. At the end of the period of cancellation, the offender will be required to certify installation of another BAIID and compliance with the affidavit requirements of this Section for another 12 consecutive months from the date that his/her compliance is re-certified;
 - 3) The offender may contest a cancellation entered pursuant to this Section by filing a petition for a formal hearing pursuant to §2-118 of the Code.
- e) ~~BAIID Multiple Offenders who are found to have violated the provisions of this~~

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~~Section will be required to certify compliance with the affidavit requirements for another 12 consecutive months.~~

(Source: Amended at 27 Ill. Reg.13577, effective August 1, 2003)

Section 1001.444 Installer's Responsibilities

The responsibilities of installers of BAHD shall include:

- ~~a) — An installer shall indemnify and hold harmless the State, the Secretary and its officers, employees, agents, DPH and its officers, from all claims, demands, actions, and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the installer relating to the installation, service, repair, use or removal of a device.~~
- ~~b) — The installer shall have all tools, test equipment and manuals needed to install devices and screen motor vehicles for acceptable mechanical and electrical condition prior to installation.~~
- ~~c) — The installer shall provide adequate security measures to prevent access to the device (tamper seals or installation instructions).~~
- ~~d) — The installer shall appropriately install devices on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the device manufacturer's instructions. It must be the BAHD Permittee's responsibility to repair the vehicle if any condition exists that would prevent the proper functioning of the device. The installer should inform the BAHD Permittee that a problem exists, but should not be responsible for repairing the vehicle.~~
- ~~e) — The installer shall not install devices in a manner that could adversely affect the performance of the device or impede the safe operation of the motor vehicle.~~
- ~~f) — The installer shall verify that a device is functioning properly after it has been installed in the motor vehicle.~~
- ~~g) — The installer shall restore a motor vehicle to its original condition when a device is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent.~~
- ~~h) — The installer shall provide a warranty of performance to assure responsibility for~~

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~~support of service within a maximum of forty-eight (48) hours after notification of a request for service. This support shall be in effect during the period the device is required to be installed in a motor vehicle.~~

(Source: 1001.444 repealed at 27 Ill. Reg.13577, effective August 1, 2003)

~~Section 1001. APPENDIX A BAHID Regions and Minimum Installation/Service Center Site Location Guidelines~~

- a) ~~The State of Illinois is divided into four (4) BAHID regions as follows:~~
- 1) ~~Region 1 shall be comprised of the Counties of Boone, Bureau, Carroll, DeKalb, Grundy, Jo-Davies, Kendall, LaSalle, Lake, Lee, Livingston, McHenry, Ogle, Stephenson, Whiteside, Winnebago, and in Cook County the municipalities/ unincorporated areas of Alsip, Bedford Park, Bellwood, Berkeley, Berwyn, Bridgeview, Broadview, Brookfield, Burbank, Chicago Ridge, Cicero, Countryside, Evergreen Park, Forest Park, Forest View, Hickory Hills, Hillside, Hodgkins, Hometown, Indian Head Park, Justice, LaGrange, LaGrange Park, Lemont, Lyons, Merrionette Park, Maywood, Me-Cook, Melrose Park, North Riverside, Oak Lawn, Oak Park, Orland Hills, Orland Park, Palos Heights, Palos Hills, Palos Park, River Forest, Riverside, Stickney, Stone Park, Summit, Tinley Park, Westchester, Western Springs, Willow Springs, and Worth.~~
 - 2) ~~Region 2 shall be comprised of the Counties of Adams, Brown, Calhoun, Cass, DuPage, Fulton, Greene, Hancock, Henderson, Henry, Jersey, Knox, Macoupin, Marshall, Mason, McDonough, Menard, Mercer, Morgan, Peoria, Pike, Putnam, Rock Island, Schuyler, Scott, Stark, Warren, Woodford, and in Cook County the City of Chicago.~~
 - 3) ~~Region 3 shall be comprised of the counties of Bond, Champaign, Christian, Clark, Clay, Clinton, Coles, Cumberland, De Witt, Douglas, Edgar, Effingham, Fayette, Ford, Iroquois, Jasper, Kane, Kankakee, Logan, Macon, McLean, Montgomery, Moultrie, Piatt, Sangamon, Shelby, Tazewell, Vermillion, and in Cook County the municipalities/unincorporated areas of Barrington, Barrington Hills, Des Plaines, Elk Grove Village, Elmwood Park, Franklin Park, Hanover Park, Harwood Heights, Hoffman Estates, Inverness, Mount Prospect, Niles, Norridge, Northlake, Palatine, Park Ridge, River Grove, Rolling Meadows, Rosemont, Schaumburg, Schiller Park, South Barrington, and Streamwood.~~

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- 4) ~~Region 4 shall be comprised of the counties of Alexander, Crawford, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Madison, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White, Will, Williamson, and in Cook County the municipalities/unincorporated areas of Arlington Heights, Blue Island, Burnham, Calumet Park, Calumet City, Chicago Heights, Country Club Hills, Crestwood, Dixmoor, Dolton, East Hazel Crest, Evanston, Flossmoor, Ford Heights, Glencoe, Glenview, Glenwood, Golf, Harvey, Hazel Crest, Homewood, Kenilworth, Lansing, Lincolnwood, Lynwood, Markham, Matteson, Midlothian, Morton Grove, Northbrook, Northfield, Oak Forest, Olympia Fields, Park Forest, Phoenix, Posen, Prospect Heights, Richton Park, Riverdale, Robbins, Sauk Village, Skokie, South Holland, South Chicago Heights, Thornton, Wheeling, Wilmette, and Winnetka.~~
- b) ~~The minimum installation/service center site location guidelines for each region follow. In the event that a BAHID is required for a Permittee who resides more than seventy five (75) miles from any location in his/her region, installation and service must be provided by a mobile unit on site for the Permittee or at another alternative location within a seventy five (75) mile radius of the Permittee's residence:~~
- 1) ~~Region 1: one in Lake County; one in Winnebago County; one in LaSalle County at a site within a five mile radius of the intersection of Interstate 39 and Interstate 80; and either one in both Municipal District 4 and Municipal District 5 of the Circuit Court of Cook County or one in Lyons Township;~~
- 2) ~~Region 2: one in DuPage County; one in Knox County; one in Morgan County; and one in Chicago in Cook County;~~
- 3) ~~Region 3: one in Effingham County; one in Kane County; one in Kankakee County; one in Sangamon County; one in Tazewell County; one in either Champaign or Urbana in Champaign County; and one in Municipal District 3 of the Circuit Court of Cook County;~~
- 4) ~~Region 4: one in St. Clair County; one in Jefferson County; one in Will County at a site within a five mile radius of the intersection of Interstate 80 and U.S. Route 45; and one in Municipal District 2 of the Circuit Court~~

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~~of Cook County.~~

- ~~e) Any Permittee residing in a portion of a municipality located in Cook County not specifically identified to a particular region shall be considered to be in the region of the non-Cook County portion of the Permittee's municipality.~~

(Source: Appendix A repealed at 27 Ill. Reg.13577, effective August 1, 2003)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Wholesale Drug Distribution Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1510
- 3) Section Numbers: Emergency Action:
1510.20 Amendment
1510.60 Amendment
1510.65 New Section
- 4) Statutory Authority: Wholesale Drug Distribution Licensing Act [225 ILCS 120]
- 5) Effective Date of Amendments: July 24, 2003
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they will expire: These emergency rules are to expire when the proposed rules are adopted.
- 7) Date Filed in Index Department: July 24, 2003
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking implements P.A. 92-586 (Sunset Reauthorization), effective June 26, 2002, which changed fees under this Act from statutory to administrative rule.
- 10) A Complete Description of the Subjects and Issues Involved: As stated above this rulemaking implements P.A. 92-586, moving the fees under this Act from the statutes to administrative rule.
- 11) Are there any proposed Amendments to this Part pending: No
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 13) Information and questions regarding this Amendment shall be directed to:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786

DEPARTMENT OF PROFESSIONAL REGULATION

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217/785-0813; Fax #: 217/782-7645

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

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1510
WHOLESALE DRUG DISTRIBUTION LICENSING ACTSection

1510.10 Definitions
1510.20 Application for Licensure

EMERGENCY

1510.30 Personnel
1510.40 Violations and Penalties
1510.50 Minimum Requirements for the Storage and Handling of Prescription Drugs and
for the Establishment and Maintenance of Prescription Drug Distribution Records
1510.60 Renewals

EMERGENCY

1510.65 Fees

EMERGENCY

1510.70 Granting Variances

AUTHORITY: Implementing the Wholesale Drug Distribution Licensing Act [~~225 ILCS 120~~ (Ill. Rev. Stat. 1991, ch. 111, par. 8301-1 et seq.)] and authorized by Section ~~2105-15(7)~~ 60(7) of The Civil Administrative Code of Illinois [~~20 ILCS 2105-2105(7)~~](Ill. Rev. Stat. 1991, ch. 127, par. 60(7)).

SOURCE: Emergency rules adopted at 16 Ill. Reg. 12216, effective July 17, 1992, for a maximum of 150 days; adopted at 16 Ill. Reg. 17077, effective October 26, 1992; emergency amendments effective at 27 Ill. Reg. 13639, effective July 24, 2003, for a maximum of 150 days.

Section 1510.20 Application for Licensure

EMERGENCY

Every wholesale distributor, wherever located, who engages in wholesale distribution into, out of, or within Illinois shall be licensed by the Department in accordance with the Act and this Part before engaging in wholesale distribution of prescription drugs.

- a) The applicant for a license as a wholesale drug distributor shall file with the Department an application which includes the following:

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NOTICE OF EMERGENCY AMENDMENTS

- 1) The name, full business address and telephone number of the applicant;
 - 2) All trade or business names used by the applicant;
 - 3) Addresses, telephone numbers and the names of contact persons at all facilities used by the applicant for the storage, handling and distribution of prescription drugs;
 - 4) The type of ownership or operation (i.e., partnership, corporation or sole proprietorship). If a corporation, a copy of the Articles of Incorporation; and
 - 5) The names ~~name(s)~~ of the owner and/or operator of the entity, including:
 - A) The name of the person, if a person;
 - B) The name of each partner and the name of the partnership, if a partnership;
 - C) The name and title of each corporate officer and director, the corporate names, the name of the state where incorporated and the name of the parent company, if any, if a corporation; or
 - D) The full name of the sole proprietor and the name of the business entity, if a sole proprietorship; and
 - 6) The fee set forth in Section 1510.65 ~~35 of the Act~~.
- b) The Department shall consider the following factors in determining eligibility for licensure of persons who engage in the wholesale distribution of prescription drugs:
- 1) Any conviction of the applicant under any federal, state or local laws relating to drug samples, wholesale or retail drug distribution, or distribution of controlled substances;
 - 2) Any felony conviction of the applicant under federal, state or local laws;
 - 3) The applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;
 - 4) The furnishing by the applicant of false or fraudulent material in any

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application made in connection with drug manufacturing or distribution;

- 5) Suspension or revocation by federal, state or local government of any license currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;
 - 6) Compliance with licensing requirements under previously granted licenses, if any;
 - 7) Compliance with the requirements to maintain and/or make available to the state licensing authority or to federal, state or local law enforcement officials those records required to be maintained by wholesale drug distributors; and
 - 8) Any other factors or qualifications the Department considers relevant to and consistent with public health and safety.
- c) A separate license is required for each facility directly or indirectly owned or operated by the same business that distributes prescription drugs.
 - d) When the address or name of a facility is changed, the licensee shall be required to apply for a new license and pay a \$100 fee. If the facility is relocated, the licensee shall also cause the facility to pass an inspection, meeting all requirements of the Act and this Section.
 - e) Changes in any information in this Section shall be submitted to the Department within 45 days after such change.
 - f) The Department reserves the right to deny a license to an applicant if it determines that the granting of such a license would not be in the public interest.
 - g) The applicant shall retain on premises a copy of the application and check to the Department to serve as a temporary license prior to the issuance of a certificate of registration as a Wholesale Drug Distributor. This is valid for 90 days.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 13639, effective July 24, 2003, for a maximum of 150 days)

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- a) The first renewal period for registration issued under the Act shall be December 31 of even numbered years. The holder of a registration may renew such registration 60 days prior to the expiration date by filing an application with the Department and paying the required fee set forth in Section 1510.65 ~~35 of the Act~~.
- b) It is the responsibility of each registrant to notify the Department of any change of mailing address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's registration.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 13639, effective July 24, 2003, for a maximum of 150 days)

Section 1510.65 FeesEMERGENCY

The following fees shall be paid to the Department for the administration of the Act and are not refundable:

a) Application Fees

The fee for application for a certificate of registration as a wholesale drug distributor is \$200.

b) Renewal Fees

The fee for the renewal of a certificate of registration shall be \$200 per year.

c) General Fees

- 1) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 2) The fee for a certification of a licensee's record for any purpose is \$20.
- 3) The fee for the change of person responsible for drugs is \$50.
- 4) The fee for a wall certificate showing licensure shall be the actual cost of

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producing the certificate.

- 5) The fee for a roster of persons licensed as a wholesale drug distributor in this State shall be the actual cost of producing the roster.

(Source: Added by emergency rulemaking at 27 Ill. Reg.13639, effective July 24, 2003, for a maximum of 150 days)

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Number: Proposed Action:
125.280 Amend
125.400 Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Poultry Products Inspection Act (21 USCA 454); and 68 FR 22576
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 6) Effective Date: July 28, 2003
- 7) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.

The Food Safety and Inspection Service (FSIS) is amending its regulations to permit the use of any safe and suitable binder or antimicrobial agent in the production of meat and poultry products that are subject to a standard of identity or composition that provides for the use of such ingredients. The use of these ingredients must be consistent with any limitations or conditions of use prescribed in applicable FSIS or Food and Drug Administration (FDA) regulations. This direct final rule will provide establishments with greater flexibility in formulating meat and poultry products.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: July 24, 2003
- 10) A copy of the peremptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This peremptory amendment is in compliance with Section 5-150 of the Illinois

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NOTICE OF PEREMPTORY AMENDMENTS

Administrative Procedure Act.

- 12) Are there any other proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: Peremptory amendment does not affect units of local government.
- 14) Information and questions regarding this peremptory amendment shall be directed to:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACTPART 125
MEAT AND POULTRY INSPECTION ACTSUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals

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- 125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
- 125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
- 125.250 Marking Products and Their Containers
- 125.260 Labeling, Marking and Containers
- 125.270 Entry into Official Establishment; Reinspection and Preparation of Product
- 125.280 Meat Definitions and Standards of Identity or Composition
- 125.290 Transportation
- 125.295 Imported Products (Repealed)
- 125.300 Special Services Relating to Meat and Other Products
- 125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section

- 125.310 Application of Inspection
- 125.320 Facilities for Inspection
- 125.330 Sanitation
- 125.340 Operating Procedures
- 125.350 Ante-Mortem Inspection
- 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
- 125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments
- 125.380 Labeling and Containers
- 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
- 125.400 Definitions and Standards of Identity or Composition
- 125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447,

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992, peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221 effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; peremptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; peremptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; peremptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; peremptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; peremptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; peremptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; peremptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; peremptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; peremptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; peremptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; peremptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; peremptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; peremptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; peremptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; peremptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; peremptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003.

SUBPART B: MEAT INSPECTION

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

Section 125.280 Meat Definitions and Standards of Identity or Composition

The Department incorporates by reference 9 CFR 319 (1997; 62 FR 45016, effective September 24, 1997; 63 FR 147, effective March 6, 1998; 64 FR 27901, effective July 23, 1999; 64 FR 72168, effective January 24, 2000; 65 FR 34381, effective August 28, 2000; 66 FR 54912, effective December 31, 2001; 68 FR 22576, effective June 30, 2003). Methods for the destruction of live trichinae in pork shall be as set forth in Section 125.270 (specifically the incorporated language of 9 CFR 318.10(c)).

(Source: Amended by peremptory rulemaking at 27 Ill. Reg.13634, effective July 28, 2003)

SUBPART C: POULTRY INSPECTION

Section 125.400 Definitions and Standards of Identity or Composition

- a) The Department incorporates by reference 9 CFR 381: Subpart P (1997); 63 FR 48958, effective November 10, 1998; 68 FR 22576, effective June 30, 2003).
- b) Cooling of poultry shall be in accordance with the provisions set forth in Section 125.330.
- c) Definitions and standards of identity or composition for poultry products shall be as set forth in this Section and in Section 13(d) of the Act.

(Source: Amended by peremptory rulemaking at 27 Ill. Reg.13634, effective July 28, 2003)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF RECODIFICATION

1) Heading of Title: Energy

2) Code Citation: Chapter II, Title 32

32 Ill. Adm. Code 200	32 Ill. Adm. Code 336	32 Ill. Adm. Code 406
32 Ill. Adm. Code 310	32 Ill. Adm. Code 340	32 Ill. Adm. Code 410
32 Ill. Adm. Code 315	32 Ill. Adm. Code 341	32 Ill. Adm. Code 422
32 Ill. Adm. Code 320	32 Ill. Adm. Code 350	32 Ill. Adm. Code 501
32 Ill. Adm. Code 322	32 Ill. Adm. Code 351	32 Ill. Adm. Code 504
32 Ill. Adm. Code 326	32 Ill. Adm. Code 360	32 Ill. Adm. Code 505
32 Ill. Adm. Code 330	32 Ill. Adm. Code 370	32 Ill. Adm. Code 601
32 Ill. Adm. Code 331	32 Ill. Adm. Code 380	32 Ill. Adm. Code 605
32 Ill. Adm. Code 332	32 Ill. Adm. Code 390	32 Ill. Adm. Code 606
32 Ill. Adm. Code 333	32 Ill. Adm. Code 400	32 Ill. Adm. Code 609
32 Ill. Adm. Code 334	32 Ill. Adm. Code 401	32 Ill. Adm. Code 620
32 Ill. Adm. Code 335	32 Ill. Adm. Code 405	

3) Date of Index Department Review: July 24, 2003

4) Heading and Label of the Chapter being Recodified:

CHAPTER II DEPARTMENT OF NUCLEAR SAFETY

5) Outline of the Label and Heading of the Chapter as Recodified:

CHAPTER II ILLINOIS EMERGENCY MANAGEMENT AGENCY

6) Conversion Table of Present and Recodified Parts:

Present Chapter Label DEPARTMENT OF NUCLEAR SAFETY

Recodified Chapter Label ILLINOIS EMERGENCY MANAGEMENT AGENCY

Existing title, part and section numbering for the affected rules may be retained.

[Executive Order 2003-12]

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
August 12, 2003

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@legis.state.il.us
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Environmental Protection Agency

1. Procedures for Collection of Air Pollution Site Fees (35 Ill. Adm. Code 251)
 - First Notice Published: 27 Ill. Reg. 4439 – 3/14/03
 - Expiration of Second Notice: 8/20/03

Housing Development Authority

2. Illinois Affordable Housing Tax Credit Program (47 Ill. Adm. Code 355)
 - First Notice Published: 27 Ill. Reg. 4882 – 3/21/03
 - Expiration of Second Notice: 8/14/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AUGUST AGENDA

Humans Services

3. Compulsive Gambling (77 Ill. Adm. Code 2059)
 - First Notice Published: 26 Ill. Reg. 16899 – 11/22/02
 - Expiration of Second Notice: 9/7/03

Natural Resources

4. Youth Hunting Seasons (17 Ill. Adm. Code 685)
 - First Notice Published: 27 Ill. Reg. 7944 – 5/9/03
 - Expiration of Second Notice: 8/13/03

Pollution Control Board

5. General Provisions (35 Ill. Adm. Code 900)
 - First Notice Published: 27 Ill. Reg. 1889 – 2/7/03
 - Expiration of Second Notice: 9/17/03

Professional Regulation

6. Illinois Roofing Industry Licensing Act (68 Ill. Adm. Code 1460)
 - First Notice Published: 27 Ill. Reg. 6051 – 4/11/03
 - Expiration of Second Notice: 8/29/03

Public Aid

7. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 27 Ill. Reg. 4470 – 3/14/03
 - Expiration of Second Notice: 8/21/03
8. Medical Payment (89 Ill. Adm. Code 140)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AUGUST AGENDA

-First Notice Published: 27 Ill. Reg. 4888 – 3/21/03

-Expiration of Second Notice: 8/21/03

Public Health

9. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

-First Notice Published: 27 Ill. Reg. 4913 – 3/21/03

-Expiration of Second Notice: 8/30/03

10. Sheltered Care Facilities Code (77 Ill. Adm. Code 330)

-First Notice Published: 27 Ill. Reg. 4936 – 3/21/03

-Expiration of Second Notice: 8/30/03

11. Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)

-First Notice Published: 27 Ill. Reg. 4956 – 3/21/03

-Expiration of Second Notice: 8/30/03

12. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)

-First Notice Published: 27 Ill. Reg. 4973 – 3/21/03

-Expiration of Second Notice: 8/30/03

13. Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

-First Notice Published: 27 Ill. Reg. 4995 – 3/21/03

-Expiration of Second Notice: 8/30/03

14. Grade A Pasteurized Milk and Milk Products (77 Ill. Adm. Code 775)

-First Notice Published: 27 Ill. Reg. 7700 – 5/2/03

-Expiration of Second Notice: 8/13/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AUGUST AGENDA

15. Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - First Notice Published: 27 Ill. Reg. 5167 – 3/28/03
 - Expiration of Second Notice: 9/3/03

Revenue

16. Retailers' Occupation Tax (86 Ill. Adm. Code 130)
 - First Notice Published: 27 Ill. reg. 73 – 1/3/03
 - Expiration of Second Notice: 9/3/03
17. Payment of Taxes by Electronic Funds Transfer (86 Ill. Adm. Code 750)
 - First Notice Published: 26 Ill. Reg. 14579 – 10/4/02
 - Expiration of Second Notice: 9/5/03
18. Electronic Filing of Documents (86 Ill. Adm. Code 760)
 - First Notice Published: 26 Ill. Reg. 14592 – 10/4/02
 - Expiration of Second Notice: 9/4/03

State Police

19. Sex Offender Registration Act (20 Ill. Adm. Code 1280)
 - First Notice Published: 27 Ill. Reg. 4509 – 3/14/03
 - Expiration of Second Notice: 8/13/03
20. Sex Offender and Child Murderer Community Notification Law (20 Ill. Adm. Code 1282)
 - First Notice Published: 27 Ill. Reg. 4518 – 3/14/03
 - Expiration of Second Notice: 8/13/03

EMERGENCY AND PEREMPTORY RULEMAKINGS

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AUGUST AGENDA

Agriculture

21. Diseased Animals (8 Ill. Adm. Code 85) (Emergency)
-Notice Published: 27 Ill. Reg. 9638 – 6/27/03
22. Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, and Storage Facilities (8 Ill. Adm. Code 215) (Emergency)
-Notice Published: 27 Ill. Reg. 10423 – 7/11/03
23. Weights and Measures (8 Ill. Adm. Code 600) (Emergency)
-Notice Published: 27 Ill. Reg. 10434 – 7/11/03

Banks and Real Estate

24. Residential Mortgage License Act of 1987 (38 Ill. Adm. Code 1050) (Emergency)
-Notice Published: 27 Ill. Reg. 10783 – 7/18/03

Central Management Services

25. Pay Plan (80 Ill. Adm. Code 310) (Emergency)
-Notice Published: 27 Ill. Reg. 10442 – 7/11/03
26. Travel (80 Ill. Adm. Code 2800) (Emergency)
-Notice Published: 27 Ill. Reg. 10476 – 7/11/03

Education

27. Certification (23 Ill. Adm. Code 25) (Emergency)
-Notice Published: 27 Ill. Reg. 10482 – 7/11/03

Gaming Board

28. Riverboat Gambling (86 Ill. Adm. Code 3000) (Emergency)
-Notice Published: 27 Ill. Reg. 10503 – 7/11/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AUGUST AGENDA

Public Aid

29. Medical Assistance Programs (89 Ill. Adm. Code 120) (Emergency)
-Notice Published: 27 Ill. Reg. 10793 – 7/18/03
30. Children's Health Insurance Program (89 Ill. Adm. Code 125) (Emergency)
-Notice Published: 27 Ill. Reg. 10807 – 7/18/03
31. Medical Payment (89 Ill. Adm. Code 140) (Emergency)
-Notice Published: 27 Ill. Reg. 10813 – 7/18/03
32. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146) (Emergency)
-First Notice Published: 27 Ill. Reg. 10854 – 7/18/03
33. Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147) (Emergency)
-Notice Published: 27 Ill. Reg. 10863 – 7/18/03
34. Hospital Services (89 Ill. Adm. Code 148) (Emergency)
-Notice Published: 27 Ill. Reg. 11041 – 7/18/03
35. Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149) (Emergency)
-Notice Published: 27 Ill. Reg. 11080 – 7/18/03
36. Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153) (Emergency)
-Notice Published: 27 Ill. Reg. 11088 – 7/18/03

Revenue

37. Retailers' Occupation Tax (86 Ill. Adm. Code 130) (Emergency)
-Notice Published: 27 Ill. Reg. 11099 – 7/18/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AUGUST AGENDA

38. Service Occupation Tax (86 Ill. Adm. Code 140) (Emergency)
-Notice Published: 27 Ill. Reg. 11187 – 7/18/03
39. Use Tax (86 Ill. Adm. Code 150) (Emergency)
-Notice Published: 27 Ill. Reg. 11209 – 7/18/03
40. Aircraft Use Tax (86 Ill. Adm. Code 152) (Emergency)
-Notice Published: 27 Ill. Reg. 10518 – 7/11/03
41. Service Use Tax (86 Ill. Adm. Code 160) (Emergency)
-Notice Published: 27 Ill. Reg. 11216 – 7/18/03
42. Cigarette Tax Act (86 Ill. Adm. Code 440) (Emergency)
-Notice Published: 27 Ill. Reg. 10524 – 7/11/03
43. Cigarette Use Tax Act (86 Ill. Adm. Code 450) (Emergency)
-Notice Published: 27 Ill. Reg. 10529 – 7/11/03
44. Coin-Operated Amusement Device and Redemption Machine Tax (86 Ill. Adm. Code 460) (Emergency)
-Notice Published: 27 Ill. Reg. 10539 – 7/11/03
45. Motor Fuel Tax (86 Ill. Adm. Code 500) (Emergency)
-Notice Published: 27 Ill. Reg. 10547 – 7/11/03

AGENCY RESPONSE

Public Health

46. Illinois Swimming Facility Code (77 Ill. Adm. Code 820; 27 Ill. Reg. 4223 – 2/28/03)

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 21, 2003 through July 28, 2003 and have been scheduled for review by the Committee at its August 12, 2003 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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
9/3/03	<u>Department of Public Health</u> , Illinois Plumbing Code (77 Ill. Adm. Code 890)	3/28/03 27 Ill. Reg. 5167	8/12/03
9/4/03	<u>Department of Revenue</u> , Electronic Filing of Documents (86 Ill. Adm. Code 760)	10/4/02 26 Ill. Reg. 14592	8/12/03
9/5/03	<u>Department of Revenue</u> , Payment of Taxes by Electronic Funds Transfer (86 Ill. Adm. Code 750)	10/4/02 26 Ill. Reg. 14579	8/12/03

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

2003-17

Executive Order Creating a Terrorism Task Force

WHEREAS, the threat of terrorist attacks in the United States is real, as witnessed by the events of September 11, 2001; and

WHEREAS, the centralized coordination and communication among various entities at the State, regional and local levels is essential for the prevention of terrorism; and

WHEREAS, domestic preparedness to respond to terrorist attacks is a priority of the highest magnitude for federal, state and local governments; and

WHEREAS, the Illinois Terrorism Task Force has established a working partnership among public and private stakeholders from all disciplines and regions of the State, to facilitate the coordination of resources and the communication of information essential to combat terrorist threats; and

WHEREAS, the Illinois Terrorism Task Force has proven to be an effective entity in developing and implementing the domestic preparedness strategy of the State of Illinois.

THEREFORE, I hereby order the following:

Executive Order 2000-10 is hereby revoked, and the Illinois Terrorism Taskforce is hereby established as a permanent body, vested with the powers and duties described herein.

I. ESTABLISHMENT OF THE ILLINOIS TERRORISM TASKFORCE

A. I hereby establish the Illinois Terrorism Taskforce as an advisory body, reporting directly to the Governor and to the Deputy Chief of Staff for Public Safety.

B. The current members of the Illinois Terrorism Taskforce are hereby reappointed. Additional members of the Illinois Terrorism Taskforce may be appointed with the nomination of the Chair and the approval of the Governor.

C. Members of the Illinois Terrorism Task Force shall serve without pay, but may receive travel and lodging reimbursement as permitted by applicable state or federal guidelines.

D. The Governor shall appoint a Chair to serve as the administrator of the Illinois Terrorism Task Force. The Chair shall report to the Deputy Chief of Staff for Public Safety on all activities of the Illinois Terrorism Task Force. The Chair shall also serve as a policy advisor to the Deputy Chief of Staff for Public Safety on matters related to Homeland Security.

II. POWERS & DUTIES OF THE ILLINOIS TERRORISM TASKFORCE

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

A. The Illinois Terrorism Task Force, as an advisory body to the Governor and the Deputy Chief of Staff for Public Safety, shall develop and recommend to the Governor the State's domestic terrorism preparedness strategy.

B. The Illinois Terrorism Task Force shall develop policies related to the appropriate training of local, regional and State officials to respond to terrorist incidents involving conventional, chemical, biological and/or nuclear weapons.

C. The Illinois Terrorism Task Force shall oversee the weapons of mass destruction teams, which the Governor may deploy in the event of a terrorist attack to assist local responders and to coordinate the provision of additional State resources. The Illinois Terrorism Task Force shall develop appropriate protocol, staffing, training and equipment guidelines for the weapons of mass destruction teams.

D. The Illinois Terrorism Task Force shall seek appropriate input from federal agencies, including but not limited to: the United States Department of Justice, the Federal Bureau of Investigation, the Federal Emergency Management Agency, the United States Department of Health and Human Services, and the United States Department of Homeland Security.

E. The Illinois Terrorism Task Force shall recommend to the Governor any changes in Illinois state statutes, administrative regulations, or in the Illinois Emergency Operations Plan, that, in its view, may be necessary to accomplish its established objectives.

F. The Illinois Terrorism Task Force shall advise the Illinois Emergency Management Agency on issues related to the application for and use of all appropriate federal funding that relates to combating terrorism.

G. The Illinois Terrorism Task Force shall develop further recommendations to combat terrorism in Illinois and shall present such recommendations to the Deputy Chief of Staff for Public Safety.

H. The Chair of the Illinois Terrorism Task Force shall submit an annual report to the Governor by March 1st of each year. The report shall detail the activities, accomplishments and recommendations of the Task Force in the preceding year.

III. SAVINGS CLAUSE

Nothing in this Executive Order shall be construed to contravene any state or federal law.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

effect without the invalid provision or application.

To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor July 24, 2003.

Filed With the Secretary of State July 24, 2003.

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

2003-171

Gubernatorial Proclamation- Severe Storms

Severe storms occurring throughout the State of Illinois have produced tornadoes, high winds and heavy rain repeatedly and frequently since July 4, 2003. This series of severe storms has caused extensive damage and destruction to homes, businesses, other structures and trees in numerous Illinois counties. Downed trees have broken electric power lines resulting in the loss of power in many of the impacted communities.

To protect public health and safety, the State of Illinois is assisting local governments in debris removal and clean-up operations. The massive debris removal and disposal effort is straining the tight budgets at both the State and local government level.

In the interest of responding to the threat imposed to public health and safety as a result of the series of severe storms, I hereby declare that a disaster exists within the State of Illinois, and specifically declare Cook, Hancock, Henry, Iroquois, McLean, Stark and Winnebago counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency, Illinois Department of Transportation, Illinois Department of Corrections and other State agencies in assisting local governments in debris removal and other disaster recovery operations.

Issued by the Governor July 22, 2003

Filed by the Secretary of State July 22, 2003

2003-172

Gubernatorial Proclamation- Tornadoes

Tornadoes and severe storms moved through Logan County and continued into DeWitt County on May 30 and 31, 2003. Damage and destruction to homes, businesses, other structures and trees in these two central Illinois counties resulted in a major debris removal and clean-up effort. These severe storms were only the beginning of a series of severe storms, some producing tornadoes, which would continue to occur in numerous locations in the State throughout June and July.

To protect public health and safety, the State of Illinois assisted local governments in debris removal and clean-up operations through direct assistance from the Illinois Emergency Management Agency, Illinois Department of Transportation and Illinois Department of Corrections. The State effort to assist the two counties was conducted using the limited funds available at the end of the fiscal year. The massive debris removal and disposal efforts occurring throughout the State as a result of severe storms and tornadoes has strained the already tight State and local government budgets and continues to have a cumulative effect in the disaster counties.

EXECUTIVE ORDERS AND PROCLAMATIONS**PROCLAMATIONS**

In the interest of assisting local governments in completing their recovery efforts, I hereby declare DeWitt and Logan counties disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster will authorize the Illinois Emergency Management Agency to provide additional assistance in the current fiscal year to local governments within DeWitt and Logan counties. It will also enable State agencies to assess the extraordinary costs associated with this disaster.

Issued by the Governor July 24, 2003

Filed by the Secretary of State July 24, 2003

CAPITAL DEVELOPMENT BOARD

JULY 2003 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Prequalification & Bidder Responsibility 44 Ill. Adm. Code 950
- 1) Rulemaking: Amendment
- A) Description: General updates and clarification.
- B) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and Sections 5-25 and 30-20 of the Illinois Procurement Code [30 ILCS 500/5-25 and 30-20].
- C) Scheduled meeting/hearing dates: None at present
- D) Date agency anticipates First Notice: October 1, 2003
- E) Affect on small business, small municipalities or not for profit corporations: May affect small construction businesses.
- F) Agency contact person for information:

Claire Gibson, Deputy Chief Counsel
401 S. Spring Street, 3rd Floor, Springfield, Illinois 62706
(217) 782-2865
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Selection of Architects/Engineers (A/E) 44 Ill. Adm. Code 1000
- 1) Rulemaking: Amendment
- A) Description: General updates and clarification.
- B) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and Sections 5-25 and 30-20 of the Illinois Procurement Code [30 ILCS 500/5-25 and 30-20].
- C) Scheduled meeting/hearing dates: None at present
- D) Date agency anticipates First Notice: October 1, 2003

CAPITAL DEVELOPMENT BOARD

JULY 2003 REGULATORY AGENDA

- E) Affect on small business, small municipalities or not for profit corporations: May affect small construction business.
- F) Agency contact person for information:
Claire Gibson, Deputy Chief Counsel
401 S. Spring Street, 3rd Floor, Springfield, Illinois 62706
(217) 782-2865
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Board Action, 71 Ill. Adm. Code 10
- 1) Rulemaking: Amendment
- A) Description: General update.
- B) Statutory Authority: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105].
- C) Scheduled meeting/hearing dates: None at present
- D) Date agency anticipates First Notice: October 1, 2003
- E) Affect on small business, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
Claire Gibson, Deputy Chief Counsel
401 S. Spring Street, 3rd Floor, Springfield, Illinois 62706
(217) 782-2865
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Hearing Procedures, 71 Ill. Adm. Code 100
- 1) Rulemaking: Amendment
- A) Description: General update.

CAPITAL DEVELOPMENT BOARD

JULY 2003 REGULATORY AGENDA

- B) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and authorized by Section 1A-11 of the Capital Development Board Act [20 ILCS 3105/1A-11].
- C) Scheduled meeting/hearing dates: None at present
- D) Date agency anticipates First Notice: October 1, 2003
- E) Affect on small business, small municipalities or not for profit corporations: May affect any small business that requests a hearing with CDB.
- F) Agency contact person for information:

Claire Gibson, Deputy Chief Counsel
401 S. Spring Street, 3rd Floor, Springfield, Illinois 62706
(217) 782-2865
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Asbestos Abatement Authority Act
Procedures 71 Ill. Adm. Code 500
- 1) Rulemaking: Amendment
- A) Description: General updates.
- B) Statutory Authority: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105].
- C) Scheduled meeting/hearing dates: None at present
- D) Date agency anticipates First Notice: October 1, 2003
- E) Affect on small business, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Claire Gibson, Deputy Chief Counsel

CAPITAL DEVELOPMENT BOARD

JULY 2003 REGULATORY AGENDA

401 S. Spring Street, 3rd Floor, Springfield, Illinois 62706
(217) 782-2865

- G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2003 REGULATORY AGENDA

- a) Part (Heading and Code Citation): ITEACH Teacher Shortage Scholarship Program 23 Ill. Adm. Code 2764
- 1) Rulemaking:
- A) Description: Public Act 93-0021 made numerous changes to the ITEACH Teacher Shortage Scholarship Program, including changing the name of the program to the Illinois Future Teacher Corps (IFTC) Program. The proposed rulemaking will amend the summary and purpose, applicant eligibility criteria, program procedures and institutional procedures for the new IFTC Program.
- B) Statutory Authority: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52].
- C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: September, 2003.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency Contact Person for Information:
- Name: Mr. Thomas A. Breyer
Deputy Program Officer
Address: Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
Telephone: (847) 948-8500
e-mail: tbreyer@isac.org
- G) Related rulemakings and other pertinent information: None.

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF FINE IMPOSED 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)), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Express Mortgage, Inc., License No. #5450 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 16, 2003.

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF FINE IMPOSED 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)), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,000 against Express One Mortgage, Inc., License No. #5624 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 16, 2003.

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF FINE IMPOSED 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)), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,000 against Arlington Financial Group, Inc., License No. #4432 of Arlington Heights, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 16, 2003.

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF FINE IMPOSED 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)), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Transpacific Mortgage Company, License No. #5132 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 16, 2003.

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF FINE IMPOSED 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)), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,500 against Major Financial, Inc., License No. #4632 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 16, 2003.

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Proposed Action:
120.520 Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
June 27, 2003 (27 Ill. Reg. 9512)
- 5) Reason for the Withdrawal: Proposed amendments concerning Senior Care pharmaceutical benefits were published as related amendments to changes at 89 Ill. Adm. Code 140.405 which eliminate the processing of SeniorCare claims by an outside contractor. Both sets of amendments were published on June 27, 2003, to meet federal public notice requirements at 42 CFR 447.205. Subsequently, the SeniorCare amendments were reflected in an emergency rulemaking, effective July 1, 2003, which was filed with identical proposed amendments. Because of this, the amendments proposed at 27 Ill. Reg. 9512 are no longer necessary and are being withdrawn.

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
140.405	Amendment
140.551	Amendment
140.553	Amendment
140.554	Repeal
140.830	Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:

June 27, 2003 (27 Ill. Reg. 9525)
May 30, 2003 (27 Ill. Reg. 8635)
- 5) Reason for the Withdrawal: The proposed changes regarding the SeniorCare pharmaceutical program eliminate the processing of claims by an outside contractor and provide reimbursement changes compatible with in-house handling of claims processing. Federal public notice requirements at 42 CFR 447.205 were met by publication of the amendments in the Illinois Register on June 27, 2003. Subsequently, the proposed amendments were further revised and an emergency rulemaking, effective July 1, 2003, was filed with identical proposed amendments. Because of this, the amendments proposed at 27 Ill. Reg. 9525 are no longer relevant and are being withdrawn.

Amendments were proposed pursuant to Public Act 92-0848 concerning a new methodology for the nursing component of rates for Medicaid funded nursing facilities. Federal public notice requirements at 42 CFR 447.205 were met by publication of the amendments in the Illinois Register on May 30, 2003. Subsequently, these rate methodology changes were reflected in an emergency rulemaking, effective July 1, 2003, which was filed with identical proposed amendments. Therefore, the amendments proposed at 27 Ill. Reg. 8635 are no longer necessary and are being withdrawn.

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Proposed Action:
148.295 Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
March 28, 2003 (27 Ill. Reg. 5148)
- 5) Reason for the Withdrawal: The amendments proposed at 27 Ill. Reg. 5148 were intended to provide reimbursement increases related to Direct Hospital Adjustments (DHA) for high volume Medicaid hospital providers of obstetrical care for medical assistance clients. However, the fiscal year 2004 budget implementation plan calls for additional rate changes affecting DHA rates. An emergency rulemaking, effective July 1, 2003, which reflects all of the required DHA reimbursement changes, was filed with identical proposed amendments. Therefore, the amendments proposed at 27 Ill. Reg. 5148 are no longer relevant and are being withdrawn.

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Numbers: Proposed Action:
153.100 Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
May 30, 2003 (27 Ill. Reg. 8841)
- 5) Reason for the Withdrawal: These amendments were proposed pursuant to Public Act 92-0848 concerning a new methodology for the nursing component of rates for Medicaid funded nursing facilities. Federal public notice requirements at 42 CFR 447.205 were met by publication of the amendments in the Illinois Register on May 30, 2003. Subsequently, these rate related provisions were reflected in an emergency rulemaking, effective July 1, 2003, which was filed with identical proposed amendments. Therefore, the amendments proposed at 27 Ill. Reg. 8841 are no long necessary and are being withdrawn.

ILLINOIS ADMINISTRATIVE CODE

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