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OF GOVERNMENTAL
AGENCIES



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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Humane Care For Animals Act
- 2) Code Citation: 8 Ill. Adm. Code 35
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
35.10	Amend
35.40	Add
35.50	Add
- 4) Statutory Authority: Humane Care for Animals Act [510 ILCS 70]
- 5) A Complete Description of the Subjects and Issues Involved: The definition of approved humane investigator is being amended to include persons from governmental agencies that have been officially designated by their agency. Grounds for suspension of an approved humane investigator have been expanded.

Tailing and shocking animals for the purpose of entertainment, sport or practice is prohibited.
- 6) Will this proposed rule replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, October 30, 2003 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Springfield, IL 62794-9281
217/785-5713
217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 27, 2003. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Humane societies, persons operating or participating in rodeos
 - 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: July 2003

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 35
HUMANE CARE FOR ANIMALS ACT

Section

35.10	Approved Humane Investigator; Qualifications; Requirements; Termination; Reports; Appointment Period
35.20	Notice of Violation; Impoundment Procedure (Repealed)
35.30	Administrative Hearings
<u>35.40</u>	<u>Tailing</u>
<u>35.50</u>	<u>Shocking of Animals</u>

AUTHORITY: Implementing and authorized by the Humane Care for Animals Act [510 ILCS 70].

SOURCE: Rules and Regulations Relating to Humane Care for Animals, filed December 14, 1973, effective December 24, 1973; codified at 5 Ill. Reg. 10441; amended at 7 Ill. Reg. 865, effective January 10, 1983; amended at 8 Ill. Reg. 5936, effective April 23, 1984; amended at 9 Ill. Reg. 4498, effective March 22, 1985; amended at 18 Ill. Reg. 14909, effective September 26, 1994; amended at 27 Ill. Reg. _____, effective _____.

Section 35.10 Approved Humane Investigator; Qualifications; Requirements; Termination; Reports; Appointment Period

Persons, when submitting an application for appointment as an Approved Humane Investigator, will furnish the following information: name, address, telephone number; name and address of the Humane Society or governmental agency with whom they are affiliated, and a brief resume of their experience and education, both practical and formal, relative to the humane care of animals.

- a) Qualifications for appointment as an Approved Humane Investigator shall include:
 - 1) Membership in or employment by a humane society, as defined in Section 2.05 of the Act, or other individual so designated by official action of that particular humane society's board of directors, or any law enforcement officer who has been officially designated by the governmental agency responsible for his/her action or duty;
 - 2) Responsibility to his/her~~his or her~~ organization, in compliance with all

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- administrative rules issued by the Department;
- 3) Demonstration of satisfactory knowledge of this Act and its applications by oral and written examination to be given by the Department at times to be designated and as needed by the Department.
 - A) Knowledge of how to conduct and complete an investigation, including legally guided knowledge of how to file charges if required.
 - B) Applicant shall have a high school diploma or its equivalent and two years experience raising, caring for or breeding the particular species of animal being investigated.
 - b) The Department shall require additional consultation and training when the applicant does not have experience in caring for certain animals that could reasonably be encountered in the performance of his/her duties or has no experience in conducting investigations and the proceedings that accompany such investigations.
 - c) An Approved Humane Investigator shall comply with the following:
 - 1) Cooperation, whenever possible, with other Approved Humane Investigators or law enforcement authorities, if requested, to aid in an investigation of complaints relative to the care and treatment of animals;
 - 2) Except when so authorized by the Department, no Approved Humane Investigator shall represent himself/herself, at any stage in the conduct of an investigation, as acting directly in behalf of or as an agent of the Department.
 - d) An Approved Humane Investigator will be suspended for any of the following reasons:~~All hearings for termination of approval as a Humane Investigator will be conducted in accordance with 8 Ill. Adm. Code 35.30. The appointment as an Approved Humane Investigator will be terminated following hearing for:~~
 - 1) Material misstatement in the original application;
 - 2) Wilful disregard or violation of this Act or rules issued pursuant thereto;
 - 3) Pursuing a continued course of misrepresentation or false statements regarding investigations relative to humane care of animals after a warning letter is given;
 - 4) Failure to perform his/her investigational duties and enforcement of the Humane Care for Animals Act or rules issued pursuant thereto;
 - 5) Loss of membership in or employment by a humane society as defined in Section 35.10(a)(1) or on written request by their board of directors;
 - 6) Failure to perform job duties, including failure to promptly submit documents in a case where enforcement actions have been taken (i.e., Notice of Violation, impoundments or prosecution).
 - 7) Conduct, while performing duties, that is unprofessional or contrary to customary investigative procedures.

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- e) Reinstatement as an Approved Humane Investigator will require the person to submit a new application and to successfully complete the requirements for becoming an Approved Humane Investigator (8 Ill. Adm. Code 35.10(a)).
- f)e) All Approved Humane Investigators shall prepare and submit to the Department an annual report on forms furnished by the Department. It shall contain the species and number of animals involved, and total number of investigations performed that calendar year. The annual report shall be filed by April 1 for the preceding calendar year's activity.
- g)f) The appointment as an Approved Humane Investigator shall be for 2 years or for any portion thereof and shall be renewable on January 1 of even numbered years. The reappointment procedure shall be the same procedure used for the original appointment as set forth in this Section. Qualifications for reappointment as an Approved Humane Investigator shall be as set forth in Section 35.10(a).

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

Section 35.40 Tailing

The intentional tripping, dragging or felling of any bovine animal by the tail, for the purpose of entertainment, sport or practice, including a rodeo, is prohibited.

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

Section 35.50 Shocking of Animals

The deliberate shocking of any bovine or equine animal, for the purpose of entertainment, sport or practice, including a rodeo, is prohibited.

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

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Bovidae and Cervidae Tuberculosis Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 80
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
80.80	Amend
80.110	Amend
80.140	Amend
80.150	Amend
80.160	Amend
80.170	Amend
80.180	Amend
80.190	Amend
- 4) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35]
- 5) A Complete Description of the Subjects and Issues Involved: These amendments will recognize the individual Canadian provinces for status in regards to tuberculosis. If tuberculosis is diagnosed in Canada, testing requirements will only apply to animals originating from that province and not the entire country.
- 6) Will this rulemaking replace an emergency rulemaking in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, October 30, 2003 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 27, 2003. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Will allow producers exporting animals from areas of Canada that are tuberculosis-free to avoid unnecessary testing.
 - 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: July 2003

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 80

ILLINOIS BOVIDAE AND CERVIDAE TUBERCULOSIS ERADICATION ACT

Section

80.5	Definitions/Incorporations by Reference
80.10	Requirements for Illinois Tuberculosis-Free Accredited Cattle and Bison Herds
80.20	When Indemnity Will Be Paid on Tests
80.30	Herds Quarantined Because of Suspected Tuberculosis Infection
80.40	Identification Tags Not To Be Removed
80.50	Infected Herd Depopulation (Repealed)
80.60	Cattle for Immediate Slaughter (Repealed)
80.70	Feeding or Grazing Cattle from Non-Accredited Tuberculosis Free States
80.80	Female Cattle – Beef Breeds – 18 Months and Over from Non-Accredited Tuberculosis Free Areas <u>or Canadian Provinces</u>
80.90	Sale of Quarantined Feeding or Grazing Cattle (Repealed)
80.100	Release of Feeding or Grazing Cattle from Quarantine (Repealed)
80.110	Breeding Cattle
80.120	Tuberculin Tests
80.130	Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds
80.140	Cervidae
80.150	Goats
80.160	Testing Requirements for Cattle from Non-Accredited Free Areas <u>or Canadian Provinces</u>
80.170	Bison
80.180	Illinois Exhibition Animals Returning from Non-Accredited Free States
80.190	Animals Entering Illinois from Non-Accredited Free States, <u>Canadian Provinces</u> or Areas; Permit Required

AUTHORITY: Implementing and authorized by the Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35].

SOURCE: Regulations Relating to Bovine Tuberculosis, filed January 17, 1972, effective January 27, 1972; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 1, effective June 15, 1978; codified at 5 Ill. Reg. 10455; amended at 7 Ill. Reg. 1742, effective January 28, 1983; amended at 8 Ill. Reg. 17809,

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effective October 1, 1984; amended at 9 Ill. Reg. 4503, effective March 22, 1985; amended at 9 Ill. Reg. 18432, effective November 19, 1985; emergency amendment at 11 Ill. Reg. 5326, effective March 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10183, effective May 15, 1987; amended at 12 Ill. Reg. 8295, effective May 2, 1988; amended at 13 Ill. Reg. 3676, effective March 13, 1989; amended at 14 Ill. Reg. 1931, effective January 19, 1990; amended at 21 Ill. Reg. 17070, effective January 1, 1998; amended at 23 Ill. Reg. 428, effective January 1, 1999; amended at 23 Ill. Reg. 9775, effective August 9, 1999; amended at 24 Ill. Reg. 1003, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8613, effective June 15, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16623, effective November 1, 2000; amended at 26 Ill. Reg. 71, effective January 1, 2002; amended at 27 Ill. Reg. _____, effective _____.

Section 80.80 Female Cattle – Beef Breeds – 18 Months and Over from Non-Accredited Tuberculosis Free Areas or Canadian Provinces

Female cattle of the beef breeds 18 months of age and over, for feeding or grazing purposes only, may enter Illinois from Non-Accredited Tuberculosis Free States or Canadian provinces that are not tuberculosis free, or may be shipped from public stockyards within the State, if they are accompanied by an official interstate health certificate showing that the animals originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals must have an individual negative tuberculin test conducted within 30 days prior to entry.

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

Section 80.110 Breeding Cattle

All breeding cattle entering or being exhibited in the State of Illinois from Accredited Tuberculosis Free States shall be accompanied by an official certificate of health issued by an accredited veterinarian. No tuberculin test is required for breeding cattle originating from Accredited Tuberculosis Free States. Breeding cattle entering or being exhibited in Illinois from a state that is not Tuberculosis Accredited Free or a Canadian province that is not tuberculosis free shall be accompanied by an official certificate of health issued by an accredited veterinarian showing:

- a) Cattle are individually identified by ear tag number, tattoo number or registration name and number;
 - b) Cattle originated from a herd where a complete negative herd test was conducted within the past year and the individual animals entering Illinois were negative to two tuberculin tests conducted within 180 and 30 days prior to entry or exhibition;
- or

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- c) If Illinois is not an Accredited Tuberculosis Free State, breeding cattle originating in Illinois were negative to a tuberculin test conducted within 90 days prior to exhibition.

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

Section 80.140 Cervidae

- a) All cervidae entering Illinois shall comply with the following:
- 1) For animals originating from:
 - A) Accredited Bovine Tuberculosis-Free Areas, be negative to two single cervical tests using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours, no less than 90 days apart, with the second test conducted within 90 days prior to the movement, for all animals 12 months of age and over that were isolated from all other members of the herd during the testing period, unless they originate from an accredited, qualified or monitored herd:
 - i) Cervidae from an accredited herd may be moved into Illinois without further tuberculosis testing provided that they are accompanied by a certificate stating that such cervidae originated from an accredited herd.
 - ii) Cervidae originating from qualified or monitored herds may enter Illinois with a negative test within 90 days prior to importation and a certificate stating that the animals originate from a monitored herd.
 - B) Non-Accredited Bovine Tuberculosis-Free Areas or Canadian provinces that are not tuberculosis free, originate from a herd where a complete herd test has been conducted within the past year and all animals found negative to a single cervical test using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours, and the individual animals entering Illinois were negative to two single cervical tests conducted within 180 and 30 days prior to entry. Institutions that have been accredited by the American Zoo and Aquarium Association (AZAA) are exempt from these requirements when movement is between accredited member facilities. All other movement from AZAA-accredited members must comply with these movement requirements.
 - 2) Be accompanied by a Certificate of Veterinary Inspection issued by an

DEPARTMENT OF AGRICULTURE

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- accredited veterinarian within 30 days prior to importation.
- 3) Be individually identified by an approved eartag, microchip or tattoo.
 - 4) Be accompanied by a permit obtained from the Department as follows:
 - A) Applicant for permit shall furnish the following information to the Department:
 - i) Name and post office mailing address of Illinois destination;
 - ii) Name and post office mailing address of consignor;
 - iii) Number of cervidae in shipment.
 - B) Grounds for refusal to issue permit are:
 - i) Violation of the Act or any rule of this Part;
 - ii) Presence of a disease which might endanger the Illinois livestock industry;
 - iii) Refusal to provide required information for the permit.
 - C) Permits will be issued by telephoning or writing the Department.
 - b) Accredited, qualified and monitored tuberculosis-free cervidae herds shall be established and maintained in accordance with the Uniform Methods and Rules for Bovine Tuberculosis Eradication.
 - c) Cervidae entering Illinois must also be in compliance with the Illinois Wildlife Code [520 ILCS 5].

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

Section 80.150 Goats

Goats entering Illinois for any reason, including exhibition, from states or Canadian provinces that are not Accredited Bovine Tuberculosis Free must be accompanied by a health certificate indicating that the animals originated from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals entering Illinois are negative to a tuberculin test conducted within 30 days prior to entry.

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

Section 80.160 Testing Requirements for Cattle from Non-Accredited Free Areas or Canadian Provinces

Cattle originating from Non-Accredited Free Areas or Canadian provinces that are not tuberculosis free areas must meet the following testing requirements prior to entry into Illinois:

- a) Cattle entering Illinois for breeding purposes must originate from a herd where a complete negative herd test has been conducted within the past 12 months, and

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

the individual animals must have had two negative tests within 180 and 30 days prior to entry.

- b) Cattle entering Illinois for feeding or grazing purposes must originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals must have had an individual test within 30 days prior to entry.
- c) Cattle entering Illinois for exhibition must originate from a herd where a complete negative herd test has been conducted within the past year, and the individual animals must have had two negative tests within 180 and 30 days prior to entry.

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

Section 80.170 Bison

Bison entering Illinois for any reason, other than immediate slaughter and including exhibition, must:

- a) if originating from an ~~Accredited Free State~~accredited free state, be from an accredited tuberculosis-free herd, or the individual animal entering Illinois must have had an individual test within 30 days prior to entry; or
- b) if originating from a ~~Non-Accredited Free State or Canadian province that is not tuberculosis free~~non-accredited free state, originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animal must have had two negative tests within 180 and 30 days prior to entry.

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

Section 80.180 Illinois Exhibition Animals Returning from Non-Accredited Free States

Any Illinois cattle, bison, cervidae or goats being exhibited in ~~Non-Accredited Free States~~non-accredited free states or Canadian provinces that are not tuberculosis free must be isolated from the remainder of the herd/flock upon return to Illinois and retested for tuberculosis 60-120 days post entry.

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

Section 80.190 Animals Entering Illinois from Non-Accredited Free States, Canadian Provinces or Areas; Permit Required

Any cattle, bison, cervidae or goats entering Illinois for any reason other than immediate

DEPARTMENT OF AGRICULTURE

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slaughter from Non-Accredited Free States, Areas, or Canadian provinces that are not tuberculosis free are required to obtain a prior permit from the Department that is good for 72 hours.

- a) The applicant for permit shall furnish the following information to the Department:
 - 1) name and mailing address of Illinois destination;
 - 2) name and address of consignor; and
 - 3) number of animals in shipment.
- b) Grounds for refusal to issue a permit are:
 - 1) violation of the Act or any rule contained in this Part; and
 - 2) presence of a disease that might endanger the Illinois livestock industry.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
85.5	Amend
85.10	Amend
85.12	Amend
85.15	Amend
85.55	Amend
85.75	Amend
85.115	Amend
85.135	Amend
85.150	Add
- 4) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65]
- 5) A Complete Description of the Subjects and Issues Involved: Monkeypox, plague and tularemia are being added to the lists of reportable diseases and contagious or infectious diseases.

All sites to the Code of Federal Regulations are being updated to the 2003 edition.

The organism detection test will be accepted at any level of testing for the Voluntary Paratuberculosis (Johne's Disease) Certification Program.

Entry permits will now be required for all animals entering Illinois for the purpose of livestock production or exhibition. Entry permits are currently required for swine, cervids and certain types of cattle and goats. Permits will now be required for horses, all cattle, bison, sheep, goats, llamas and alpacas entering the State in addition to the other animals that are required to have entry permits.

- 6) Will this proposed rulemaking replace an emergency rule in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes – references the most current edition of the Code of Federal Regulations (2003).

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- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, October 30, 2003 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 27, 2003. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Exporters of livestock to the State of Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: Exporters of livestock to Illinois will be required to call for a permit prior to entry into the State. There is no cost for the permit and they are available 24-hours a day, seven days a week.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: July 2003

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)PART 85
DISEASED ANIMALS

Section

85.5	Definitions
85.7	Incorporation by Reference
85.10	Reportable Diseases
85.12	Contagious or Infectious Diseases
85.15	Truck Cleaning and Disinfection
85.20	Disposal of Sick, Diseased, or Crippled Animals at Stockyards, Auction Markets, or Marketing Centers
85.25	Sale of Livestock Quarantined Because of Disease
85.30	Identification Ear Tags for Livestock
85.35	Identification Tags Not to be Removed
85.40	Livestock for Immediate Slaughter Not to be Diverted En Route
85.45	Anthrax
85.50	Goats
85.55	Scrapie in Sheep and Goats
85.60	Bluetongue
85.65	Sheep Foot Rot (Repealed)
85.70	Cattle Scabies
85.75	Cattle Scabies – Additional Requirements on Cattle from Certain Designated Areas
85.80	Sheep and Goats
85.85	Diseased Animals
85.90	Copy of Health Certificate Shall be Furnished
85.95	Requests for Permits
85.100	Consignments to Stockyards, Auction Markets, Recognized Slaughtering Centers, or Marketing Centers
85.105	Obligation of Transportation Company and Truck Operators
85.110	Additional Requirements on Cattle From Designated States
85.115	Salmonella enteritidis serotype enteritidis
85.120	Cervidae
85.125	Ratites
85.130	Vesicular Stomatitis
85.135	Requirements for Establishing and Maintaining a Herd Under the Voluntary

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- 85.140 Paratuberculosis (Johne's Disease) Certification Program
Requirements for Establishing and Maintaining a Herd Under the Voluntary
Paratuberculosis (Johne's Disease) Risk Management Program
- 85.145 Johne's Disease Positive Animals
- 85.150 Importation of Animals; Permit Required

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 17, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13039, effective September 25, 1996; amended at 21 Ill. Reg. 17049, effective January 1, 1998; amended at 23 Ill. Reg. 411, effective January 1, 1999; amended at 23 Ill. Reg. 7862, effective July 1, 1999; amended at 24 Ill. Reg. 997, effective January 10, 2000; amended at 24 Ill. Reg. 16612, effective November 1, 2000; amended at 26 Ill. Reg. 76, effective January 1, 2002; emergency amendment at 26 Ill. Reg. 6846, effective April 19, 2002, for a maximum of 150 days; emergency expired September 15, 2002; amended at 26 Ill. Reg. 18245, effective December 13, 2002; emergency amendment at 27 Ill. Reg. 9638, effective June 10, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. _____, effective _____.

Section 85.5 Definitions

Definitions for the rules of this Part are located in the general definitions Section (8 Ill. Adm. Code 20.1) and apply to the rules of this Part. The following definitions shall also apply to the rules of this Part:

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"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture (9 CFR 160, 161 and 162; ~~20032001~~).

"Exposed to" means an animal that has come in contact with another animal or an environment that is capable of transmitting a contagious, infectious or reportable disease. An animal will no longer be considered as "exposed to" when it is beyond the standard incubation time for the disease and the animal has been tested negative for the specific disease or there is no evidence that the animal is contagious, except for animals exposed to Johne's disease. Animals more than two years of age originating from a herd where Johne's disease has been diagnosed will be considered no longer "exposed to" with a negative test. The negative test must have been conducted within 30 days prior to the sale or movement. No restrictions or tests are required for animals under two years of age. An exemption to the "exposed to" language will be granted to animals originating from a herd that is enrolled in the Voluntary Johne's Disease Risk Management Program. Participating herds will no longer be restricted.

"Recognized slaughtering center" means an establishment where slaughtering is conducted under Federal or State inspection.

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

Section 85.10 Reportable Diseases

- a) Suspected cases of the following diseases shall be reported immediately to the Department:

anthrax
avian influenza
bluetongue
brucellosis – bovine, swine, equine, and caprine
chronic wasting disease (CWD) – cervids
contagious equine metritis (CEM)
equine infectious anemia (EIA)
equine viral encephalitides
fowl typhoid
hog cholera
infectious encephalomyelitis – avian

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infectious laryngotracheitis

monkeypox

Mycoplasma gallisepticum – turkeys

Mycoplasma synoviae – turkeys

Newcastle disease

paramyxovirus infection

paratuberculosis – (Johne's disease)

piroplasmosis

plague

pseudorabies – (Aujeszky's disease)

psittacosis - (ornithosis)

pullorum disease

Q fever

rabies

salmonella enteritidis – poultry

salmonella typhimurium – poultry

scabies – cattle and sheep

scrapie

transmissible spongiform encephalopathy (TSE)

trichinellosis

tuberculosis – bovine

tularemia

vesicular conditions of any type

West Nile Virus

any contagious or infectious disease presently considered as "exotic", i.e., not known to exist in the United States

- b) Any herd owner, flock owner, veterinarian or other person having knowledge of the disease, failing to report a suspect case of any of the above diseases immediately after discovery, or who is responsible for the spread of the disease, shall be subject to penalty as provided by law.
- c) Reports of any of the above diseases shall be made to the Department, telephone 217/782-4944.

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

Section 85.12 Contagious or Infectious Diseases

- a) The Department will designate a disease as contagious or infectious when it is determined that the disease is a threat to the animal industry. A disease will be considered a threat to the animal industry for any of the following reasons:

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- 1) is of unknown cause or previously not a recognized disease;
 - 2) can cause interstate or international trade restrictions;
 - 3) is highly communicable to other animals or species;
 - 4) has the potential to produce uncontrollable death loss; or
 - 5) is not endemic in the animal industry.
- b) The following diseases are considered to be contagious or infectious:

African horse sickness
African swine fever
akabane
anthrax
avian influenza
bluetongue
Borna disease
bovine petechial fever
brucellosis
chronic wasting disease (CWD) – cervids
contagious bovine pleuropneumonia
contagious equine metritis (CEM)
dourine
ephemeral fever
equine infectious anemia (EIA)
equine viral encephalitides
epizootic lymphangitis
foot and mouth disease
fowl typhoid
glanders
heartwater
hemorrhagic septicemia
hog cholera
horse pox
infectious encephalomyelitis – avian
infectious laryngotracheitis
Japanese B encephalitis
Jembrana disease
louping-ill
lumpy skin disease
monkeypox
Mycoplasma gallisepticum – turkeys
Mycoplasma synoviae – turkeys
Nairobi sheep disease

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Newcastle disease
peste des petits – ruminants
paramyxovirus infection – avian
paratuberculosis (Johne's disease)
piroplasmiasis
plague
pseudorabies (Aujeszky's disease)
psittacosis (ornithosis)
pullorum disease
Q fever
rabies
Rift Valley fever
rinderpest
salmonella enteritidis – poultry
salmonella typhimurium – poultry
scabies – cattle and sheep
scrapie
sheep and goat pox
swine vesicular disease
transmissible spongiform encephalopathy (TSE)
trichinellosis
tuberculosis
tularemia
vesicular conditions of any type
vesicular exanthema of swine
Wesselsbron disease
West Nile Virus
any contagious or infectious disease presently considered as "exotic", i.e., not known to exist in the United States

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

Section 85.15 Truck Cleaning and Disinfection

Any truck or other conveyance in which diseased livestock is transported shall be cleaned and disinfected immediately after the diseased livestock is unloaded as prescribed in the Code of Federal Regulations (9 CFR 71.7, 71.10-71.12; ~~20032004~~).

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

Section 85.55 Scrapie in Sheep and Goats

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- a) No sheep or goats which are known to be from an infected or source flock (9 CFR 79; ~~20032001~~) and no progeny of sheep or goats known to be from an infected or source flock shall be transported or moved into or within the State of Illinois, except as provided in 8 Ill. Adm. Code 40.190(c).
- b) Scrapie monitored herds may be established and maintained in accordance with the Voluntary Scrapie Flock Certification Program Standards.
- c) When a herd has been designated as an infected or source flock, the flock will be placed under quarantine and will remain under quarantine until the flock has been depopulated, enters into the Voluntary Scrapie Flock Certification Program, or develops an approved flock plan (9 CFR 79.1 (~~20032001~~)). No animals will be allowed to move from the quarantined flock except for slaughter or medical treatment or examination.

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

Section 85.75 Cattle Scabies – Additional Requirements on Cattle from Certain Designated Areas

- a) A prior permit must be obtained from the Department before cattle, except those consigned direct to slaughter, may enter Illinois from certain designated areas determined to have high incidence of cattle scabies. The Director of the Department shall have authority to specify the designated areas from which movement of cattle into Illinois will be restricted.
- b) Cattle from such areas, except those consigned to a recognized exhibition and moved from Illinois following exhibition (county and State fairs, other State-supported exhibitions, and breed registry exhibitions); dairy cattle; or those consigned direct to slaughter, shall be dipped for cattle scabies within 10 days prior to entry or treated in accordance with the procedures as set forth in 9 CFR 73.12 (~~20032001~~).
- c) Each such animal shall be treated with a solution of approved acaricide and water or other method of treatment approved by the United States Department of Agriculture (9 CFR 73.10 and 73.12; ~~20032001~~).

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

Section 85.115 Salmonella enteritidis serotype enteritidis

- a) The United States Department of Agriculture has declared Salmonella enteritidis serotype enteritidis as a communicable disease in poultry. The rules pertaining to Salmonella enteritidis serotype enteritidis located at 9 CFR 82.30-82.36

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- (~~20032001~~) are hereby adopted for the State of Illinois. The flocks affected by these regulations are those identified in 9 CFR 82.31.
- b) All flocks found to be infected with *Salmonella enteritidis* serotype enteritidis shall be quarantined. The quarantine shall remain in effect until the flock has been depopulated and premises disinfected as prescribed in 9 CFR 82.32(c) or the entire flock is tested negative for *Salmonella enteritidis* serotype enteritidis in accordance with the provisions of 9 CFR 82.32(e).
- c) Interstate movement of poultry, eggs, equipment and manure from infected or test flocks shall be as specified in 9 CFR 82.33. Intrastate movement requirements shall be the same as interstate movement requirements.
- d) If a flock is determined to be an infected flock as defined in 9 CFR 82.32(c), the Department shall pay indemnity if State funds are available and all of the following conditions are met:
- 1) The infected flock is implicated through epidemiological evidence in a human disease outbreak;
 - 2) The flock owner voluntarily agrees to depopulate with appropriate State indemnity;
 - 3) The entire flock which is to be depopulated shall have originated from a flock that is classified "U.S. S. Enteritidis Monitored" for egg type birds and "U.S. S. Enteritidis Clean" for meat type birds under the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145 and 147; ~~20032001~~);
 - 4) The flock owner must have been feeding the infected flock in accordance with the provisions of the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145.23(d); ~~20032001~~);
 - 5) The infected flock shall be slaughtered in accordance with 9 CFR 82.33(b). Proof of kill will be reported to the Department by the meat and poultry inspector of the slaughtering establishment where the infected poultry is slaughtered;
 - 6) The premises has been disinfected in accordance with 9 CFR 82.32(c); and
 - 7) Replacement poultry shall be from flocks that are classified "U.S. S. Enteritidis Monitored" or "U.S. S. Enteritidis Clean" under the National Poultry Improvement Plan and Auxiliary Provisions.
- e) The amount of indemnity paid, based on the availability of State funds, shall be 75 percent of the fair market value and the health thereof at the time of slaughter, minus the salvage value. The following conditions shall be considered when determining the fair market value and health of the infected flock:
- 1) Initial purchase price of each bird;
 - 2) Age of the bird and its egg production capabilities or value for producing progeny; and
 - 3) Feed and veterinary medical production costs as justified by

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documentation by the flock owner in the form of sales receipts and veterinary bills.

- f) The Department and the infected flock owner must agree upon the value of the poultry destroyed, and in the case as agreement cannot be made, indemnity will not be paid for the flock.

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

Section 85.135 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Certification Program

- a) The following definitions shall be applicable to this Section:
- 1) "Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture, the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director (on the basis of its it's using USDA approved methods).
 - 2) "Animal" means cattle, bison, buffalo, goats, llamas, or members of the cervid family.
 - 3) "Cow-side", "pen-side" or "on-site" test means any test approved by the United States Department of Agriculture for *M. avium* paratuberculosis that can be performed in the field by an accredited veterinarian. Veterinarians must receive approval from the Department to use this test, and all results must be reported to the Department within 10 days. The test cannot be performed in a herd participating in the Voluntary Johne's Disease Certification Program.
 - 4) "Herd " means all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, ranch), or all animals on two or more premises geographically separated, but on which animals have been interchanged or where there has been contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd owner or manager. Each separate species of animal shall be considered as a separate herd.
 - 5) "Positive animal" means an animal infected with *Mycobacterium avium* paratuberculosis, only if *M. avium* paratuberculosis is demonstrated by an organism detection test on tissues or feces of the animal.
 - 6) "*M. avium* paratuberculosis-detection test " or "organism detection test" means any test sufficiently sensitive and specific for detection of *M. avium* paratuberculosis in fecal samples. Definitions of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the Uniform Program

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Standards for the Voluntary Bovine Johne's Disease Control Program (April 2002). Any test approved by the U.S. Department of Agriculture for *M. avium* paratuberculosis organism detection (i.e., fecal culture test for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

- 7) "Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to *M. avium* paratuberculosis in bovine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (April 2002), as recommended and approved by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Any test approved by the U.S. Department of Agriculture for serum antibody detection (i.e., ELISA for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.
- b) Criteria for herds qualified to enter into the certification program:
 - 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.
 - 2) The herd has been in existence for at least one year or the herd was assembled with animals originating directly from paratuberculosis-certified herds only.
 - 3) A herd assembled with animals originating directly from certified herds only shall start at the lowest certification level of the herds from which the assembled animals were acquired. A negative first-herd test will qualify the newly-assembled herd for the first certification level.
 - 4) All animals must have an approved, permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable types of approved, permanent, unique, legible identification include registration or association numbers accompanied by identification document, ear tattoos, USDA uniform series ear tag (metal tags), freeze branding and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.
- c) Voluntary Johne's disease herd status for cattle shall be established and maintained in accordance with the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (April 2002) that was approved and adopted by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228), with the exception that the organism detection test will be accepted for testing at any level. Herd owners using either the Fast Track or the Standard Track certification program must sign a herd agreement prior to acceptance into the program.

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- d) Criteria for certifying bison, buffalo, goats, llamas or members of the cervid family herds under the Illinois Voluntary Johne's Disease Herd Certification Program.
- 1) The following certification levels will be awarded compliance with certification requirements:
 - Level 1 – herd tested negative after one sampling.
 - Level 2 – herd tested negative after two samplings.
 - Level 3 – herd tested negative after three samplings.
 - Level 4 – herd tested negative after four samplings.
 - Level 5 – herd tested negative after five samplings.
 - Level 5 Monitored – herd tested negative after six or more samplings.
 - 2) Certification requirements:
 - A) For annual certification, all animals 24 months of age and older must be tested.
 - B) Certified herds must be tested every 12 months (+/- 2 months).
 - C) All tests must be performed at an accredited laboratory.
 - D) An organism detection test for *M. avium* paratuberculosis (i.e., fecal culture) must be conducted.
 - E) Fecal collection must be done either by, or under the direct supervision of, an accredited veterinarian who must verify that the samples were collected from the animals identified on the test documents.
 - F) The owner must certify on an agreement form prescribed by the Department:
 - i) At the initial test date, the herd has been in existence for at least one year or was assembled only from herds enrolled in a *M. avium* paratuberculosis program and are at the same or higher level than the herd. Animals purchased from herds participating in *M. avium* paratuberculosis programs outside of Illinois must have that state's program approved by the Director prior to certification.
 - ii) At each test date, all animals in the herd 24 months of age or older were sampled and included in the herd test. A herd can qualify for certification through a split herd testing program. The producer must test all test-eligible animals at least once a year throughout a one year (12 month) period. The anniversary date would be the date that the herd test is completed for the year. The testing schedule for the year must be described in the annual herd agreement.
 - iii) At each test date, a list identifying all animals previously tested but no longer in the herd must be provided to the

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- Department.
- iv) At each test date, all animals added to the herd since the last herd test were natural additions to (born into) the herd, purchased from participating herds, or were tested at the time of arrival on the premises (see Section 85.135(d)(6)).
 - v) At each test date, with a written statement sent to the Department certifying to the best of his/her knowledge no animal that left the herd tested positive for paratuberculosis or was exhibiting clinical signs of Johne's disease.
- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
- 4) Handling of animals exhibiting clinical signs:
- A) All animals exhibiting clinical signs of *M. avium* paratuberculosis must be tested and isolated from the herd pending the test results. An organism detection test (i.e., fecal culture) must be used on feces from animals exhibiting clinical signs.
 - B) A negative result on the *M. avium* paratuberculosis detection test will allow the herd to move to the next certification level.
- 5) Suspension or revocation of herd certification:
- A) Identification of a positive animal using the organism detection test during the certification herd test will result in the loss of certification status. The next negative test will qualify the herd for Level 1 certification.
If a positive animal is detected on any other test for Johne's disease during the current certification period other than by an organism detection test, the herd's certification will be suspended pending a confirmatory organism detection test of that animal.
 - B) Herds not tested within 14 months after the last sampling will lose their certification status. The next negative herd test will qualify the herd for Level 1 certification.
- 6) Herd Additions. Animals purchased from another herd participating in a *M. avium* paratuberculosis certification program may enter the herd without further testing, and will be tested along with the herd at the next annual test. Animals originating from herds that are not participating in a *M. avium* paratuberculosis certification program must be isolated from the other members of the herd until a negative organism detection test has been received. Isolation means that the animal can have no opportunity to share feed or water receptacles with other members of the herd, and there can be no chance of fecal contamination from the animal.
- 7) Protocol. If an animal sold from a certified herd is identified as positive:
- A) If an animal sold from a certified negative herd is identified as

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positive by an organism detection test within 16 months after the date of sale, the selling certified herd may, within 120 days after being notified, be required to conduct a herd retest of all eligible animals. Determination of retesting of the herd will be made by the Director based upon, but not limited to, the level of certification of the herd, the last negative organism detection test of the herd and the status of the other animals in the purchasing herd, if known.

- B) The selling certified herd will maintain its present certification status pending the results of the herd test or at the determination of the Director based on epidemiological evidence provided by a state or federal veterinarian.
- C) If the herd retest is negative, the herd will maintain its "present" certification status. The herd owner/manager shall then have the option of maintaining his/her present test schedule or rescheduling his/her herd test date so that his/her next herd test is not due until 12 months after the retest.
- D) If a positive animal is identified on this retest, the selling herd will lose its certification status. The next negative herd test will qualify the herd for Level 1 certification.

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

Section 85.150 Importation of Animals; Permit Required

- a) All animals entering Illinois for the purpose of livestock production or exhibition must be accompanied by a permit from the Department and an official certificate of veterinary inspection.
- b) The official certificate of veterinary inspection must:
 - 1) Be issued by an accredited veterinarian of the state of origin, by a veterinarian in the employ of the United States Department of Agriculture, or by a licensed veterinarian of the country of origin;
 - 2) Be approved by the animal health official of the state or country of origin;
 - 3) Show that the animals are free from visible evidence of contagious, infectious or communicable diseases; and
 - 4) Show the state or country of origin.
- c) Permits:
 - 1) Permits will be issued by telephoning or writing the Department.
 - 2) An applicant for permit shall furnish the following information to the Department:
 - A) Name and complete mailing address of Illinois destination;
 - B) Name and address of consignor; and

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- C) Number and species of animals in shipment.
- 3) Grounds for refusal to issue a permit are:
 - A) Violation of the Act or this Part; or
 - B) Presence of a disease that might endanger the Illinois livestock industry or pose a threat to public health.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Department of Children and Family Services Scholarship Program
- 2) Code Citation: 89 Ill. Adm. Code 312
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
312.20	Amendment
312.30	Amendment
312.40	Amendment
312.50	Amendment
312.60	Amendment
312.70	Amendment
312.80	Amendment
312.90	Amendment
312.100	Amendment
- 4) Statutory Authority: 20 ILCS 505/8
- 5) A Complete Description of the Subjects and Issues Involved:
The proposed amendments to this Part have been made for purposes of clarification.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any proposed amendments to this Part pending? No
- 10) Statement of Statewide Policy Objective: The rulemaking does not expand a state mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe Street, Station #65

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Springfield, Illinois 62701-1498
Telephone: 217/524-1983
TDD: 217/524-3715
FAX: 217/557-0692
E-Mail address: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

The Department has determined that the proposed amendments do not have an economic impact on small business.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The proposed amendments to the Sections were not anticipated.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 312

DEPARTMENT OF CHILDREN AND FAMILY SERVICES SCHOLARSHIP PROGRAM

Section

312.10	Purpose
312.20	Definitions
312.30	Description
312.40	Eligibility Requirements
312.50	Application
312.60	Selection
312.70	Service Planning <u>and Living Arrangements for Wards</u>
312.80	<u>Ongoing Eligibility Requirements Monitoring</u>
312.90	<u>Benefits Financial Provision</u>
312.100	Discharge from the Scholarship Program

AUTHORITY: Implementing and authorized by Section 8 of the Children and Family Services Act [20 ILCS 505/8].

SOURCE: Old Part adopted by emergency rulemaking at 20 Ill. Reg. 924, effective December 29, 1995, for a maximum of 150 days; emergency expired May 27, 1996; new Part adopted at 23 Ill. Reg. 6784, effective June 1, 1999; amended at 27 Ill. Reg. _____, effective _____.

Section 312.20 Definitions

"Accredited high school", as used in this Part, means any high school that has met all compliance rules and regulations as required by the State of Illinois.

"ACT" means American College Test.

"Adopted child" means a child for whom the Department was legally responsible immediately before the adoption was finalized.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody or guardianship via court order or children whose parent has signed an adoptive surrender or voluntary

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placement agreement with the Department.

"Children of veterans" means youth who are either wards of the Department or in the subsidized guardianship program or who have been adopted and whose birth parent or adoptive parent has served honorably in a branch of the United States Armed Services.

"Department" means the Department of Children and Family Services.

"FAFSA" means Free Application for Federal Student Aid.

"GED" means General Educational Development diploma.

"SAT" means Scholastic Aptitude Test.

"Subsidized Guardianship Program" means a child welfare demonstration project that offers a financial subsidy to relative care or licensed foster home caregivers that are willing to assume private guardianship of children who are eligible for the program. The Subsidized Guardianship Program is further defined in 89 Ill. Adm. Code 302.405, Subsidized Guardianship.

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

Section 312.30 Description

The DCFS Scholarship Program provides a maximum of 48 scholarships each year, four of which are awarded to children of veterans. Scholarship recipients receive four consecutive years of supplemental services and maintenance payments that will include annual tuition and fee waivers if the student attends an Illinois State community college or university. Scholarships do not cover room, board, or dormitory fees. Students may attend other colleges or universities, if scholarships are awarded them, and receive the same maintenance benefits as those students attending State-supported community colleges or universities. ~~DCFS will attempt to notify youth age 14 or older in each of the eligible population categories of the scholarship program.~~

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

Section 312.40 Eligibility Requirements

Applicants must meet the following criteria in order to be considered for a DCFS scholarship:

- a) the applicant must be at least 16 ~~to 19~~-years of age and possess a diploma from an

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- accredited high school or a GED by the end of the current school year;
- b) the Department must have court-ordered legal responsibility for the applicant, or the Department must have had legal responsibility for the applicant immediately prior to the adoption being finalized, or the applicant must be in the Subsidized Guardianship Program.;
- ~~e) if applicable, the permanency goal for the applicant must be independence;~~
- ~~d) the applicant must have applied for appropriate scholarships and benefits (e.g., Illinois Student Assistance Commission Grant, Basic Educational Opportunity Grant, Supplemental Educational Grant, Work Study and National Defense Student Loans, Social Security, and Veterans Benefits); and~~
- ~~e) the applicant must be able to provide approximately one third of his/her basic living costs from earned income, unearned income, other scholarships, or savings.~~

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

Section 312.50 Application

- a) The application package will contain the following:
- 1) completed DCFS Scholarship Program Student Application, CFS 438;
 - 2) ~~biographical information social history and statement of qualifying characteristics;~~
 - 3) transcript of high school grades through the first semester of the senior year and class standing information or copy of GED and score. College student applicants must also submit a transcript of their college grades;
 - 4) ACT or SAT test and scorescores; and
 - 5) three letters of recommendation from persons unrelated to the applicant.;
 - ~~and~~
 - ~~6) Federal financial aid application form (copy of first page).~~
- b) Other supporting documentation may be attached to the application at the discretion of the applicant.
- c) Applications are due to the Division of Education and Transition Services (DETS) Education Coordinator no later than March 31 or the next working day. Applications received after the due date will be ineligible for consideration. Scholarship Coordinator by the second Monday in March.

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

Section 312.60 Selection

The Scholarship Awards Committee shall make recommendations of scholarship recipients to

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the Director on a basis of their application information. Four of the scholarships awarded annually must be made to children of veterans.

~~The Scholarship Awards Committee, which is comprised of the Scholarship Coordinator and one representative appointed annually by the Regional Administrator from each of the Department's six regions, shall select scholarship recipients on the basis of the student's eligibility, scholastic record and aptitude, community and extracurricular activities, interest in higher education, and social history. Each area of consideration will have equal value, and a composite score (one through ten), supplemented with comments, will be assigned to the application by each committee member. Applications will be divided into two groups, Department wards and adoption/subsidized guardianship youth. The highest scoring applicants from each group will be awarded scholarships. The number of scholarships awarded annually to each group will be proportionate to the total number of youth in each group during the previous fiscal year.~~

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

Section 312.70 Service Planning and Living Arrangements for Wards

- a) A service plan will be developed with each scholarship recipient for whom the Department has legal responsibility. At a minimum, plans will be reviewed every six months or at the beginning of each academic quarter or semester.
- b) Wards selected to receive a Department scholarship shall have a living arrangement plan established by their caseworker prior to beginning school. Scholarship recipients may not live in a Department funded placement while attending post-secondary school. However, Department funded placements may be available to these youth during extended college breaks.

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

Section 312.80 Ongoing Eligibility Requirements Monitoring

Scholarship recipients are required to take a minimum of 12 credit hours per semester or quarter, maintain a "C" grade point average and provide a copy of their semester or quarter grades to their caseworker and DETS Business Manager. Recipients who are wards of the Department shall also notify their caseworkers and the DETS Business manager if they transfer to another school, change their address, attend summer school or withdraw from school. Youth who are no longer the legal responsibility of the Department shall submit the above-required documentation to the DETS Business Manager. Scholarship recipients are responsible for applying annually for financial aid, if needed, and for paying their own room and board, as well as other costs not covered by the Department scholarship.

Students are required to provide the Department with the following information in order to

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~~maintain their scholarships:~~

- a) ~~Transcripts~~
~~Transcripts must be submitted at the end of each academic semester or quarter. Students must maintain a "C" grade point average.~~
- b) ~~Academic Credit Hours~~
~~Students must carry a minimum of 12 credit hours each semester or quarter.~~
- e) ~~Financial Aid~~
~~Students are required to file a FAFSA form and apply for other forms of financial aid annually.~~

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

Section 312.90 Benefits ~~Financial Provision~~

- a) ~~Tuition and Fee Waiver~~
~~If the student attends an Illinois State community college or university and does not have a tuition or fee scholarship from another source, the DETS Business Office Scholarship Coordinator will request a waiver of tuition and fees. Students that choose to attend private or other state universities will receive a maintenance grant, but will not receive a waiver of tuition and fees.~~
- b) ~~Stipend Direct Payment to Student~~
~~Stipend payments, which are equal to the standard board rate for youth of this age, begin on the first day of school and terminate at the end of the school year. The stipend payments may continue through the summer months if the student attends summer school and maintains an academic load of 6 credit hours. Grant payments are made directly to the student by mail and are equal to the regular foster care monthly board payment for youth of that age group.~~
- e) ~~Initial Expenses~~
~~Initial expenses related to setting up a household may be partially subsidized by the Department (maximum \$200).~~
- d) ~~Start-Up Grant~~
~~Students may apply for a start-up grant of \$250.~~
- e) ~~Regular Payments~~
~~Regular monthly grant payments will become effective the first day the student is at school and terminate at the end of the second semester or third quarter, unless the student attends summer school.~~
- f) ~~Summer Payments~~
~~Grant payments may continue through the summer months if the student is enrolled in summer school and maintaining an academic load of six credit hours.~~
- cg) ~~Medical and Dental Payments~~

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- ~~Scholarship recipients Youth who are the legal responsibility of the Department~~ are eligible for a Medicaid card while attending college.
- ~~dh)~~ Fee and Book Payments
When it is documented that the student does not have sufficient resources to purchase required textbooks and/or pay student fees, and the Department has legal responsibility for the student, the Department may make these payments.
- ~~i)~~ ~~Guardianship Termination or Marriage~~
~~Termination of guardianship or marriage followed by guardianship termination does not terminate a four-year scholarship.~~
- ~~j)~~ ~~Change of Address~~
~~Students must keep their address current with the Department in order to receive grant payments.~~

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

Section 312.100 Discharge from the Scholarship Program

Students will be discharged from the scholarship program for the following reasons:

- a) completion of a bachelor degree program or four years in the scholarship program;
- b) failure to enroll in school;
- c) failure to maintain a "C" grade point average;
- d) failure to maintain an academic load of 12 credit hours each semester or quarter;
- e) withdrawal from school without good cause; or
- f) dismissal from school due to disciplinary reasons.

If the Deputy Director of DETS determines there is good cause, he or she may waive the requirement to discharge a scholarship recipient.

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

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- 1) Heading of the Part: Licensing Standards for Child Welfare Agencies
- 2) Code Citation: 89 III. Adm. Code 401
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u>
401.40	Amended
401.100	Amended
401.140	Amended
401.210	Amended
401.250	Amended
401.300	Amended
401.400	Amended
401.420	Amended
401.460	Amended
401.470	Amended
- 4) Statutory Authority: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending Part 401 as follows:

In Section 401.40, the definitions of “corporal punishment” and “SACWIS” (Statewide Automated Child Welfare Information System) have been added. SACWIS has replaced the Child Abuse and Neglect Tracking System (CANTS).

In Section 401.100, additional requirements for initial application for a license have been added: the applicant is to submit a current list of the names, addresses and telephone numbers of board members.

In Section 401.140, additional requirements for license renewal have been added: the applicant is to submit a current list of members of the board, staff list including documentation of licensure, pending investigations against the agency’s license and any changes in policies.

In Section 401.210, the requirement that the immediate family members of persons serving on the agency’s board of directors may not derive or appear to derive personal profit or gain by reason of relationship to the board member has been added.

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The deadline to meet the requirements of the composition of the governing body was deleted.

In Section 401.250, additional reports required to be submitted to the Department include: documentation of semi-annual monitoring of licensed facilities supervised by the agency, a copy of the license file of a foster family home that has been reported for child abuse or neglect, copy of licensing complaints, and quarterly reports on monthly visits with children in placement.

In Section 401.300, the option of a law degree for the educational requirements of an executive director has been added.

In Section 401.400, language was added indicating that agencies are to deposit children's personal funds in insured accounts and that the transfers of money and properties among youths and between staff and youth is prohibited. In addition, agencies are to assure that children's personal belongings follow the child to his or her next placement.

In Section 401.420, the provisions that the agency is to provide an environment of safety and well being for children, protecting them at all times and not subjecting children to corporal punishment, verbal abuse or derogatory remarks have been added.

In Section 401.460, before making a recommendation to issue or deny a license, the agencies are to review and assess previous licensing history of initial applicants for a foster family home that had been previously licensed has been added.

In Section 401.470, the provision that prohibits the agency from discriminating against any child or prospective adoptive placement on the basis of race, gender, or ethnicity has been added.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

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

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail: cfpolicy@idcfs.state.il.us
Facsimile (217)557-0692

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects child welfare agencies that are subject to licensure by the Department.
- B) Reporting, bookkeeping or other procedures required for compliance: Besides making copies of required files, there are no additional costs to small businesses.
- C) Types of professional skills necessary for compliance: Clerical

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The amendments regarding Licensing Standards for Child Welfare Agencies was not anticipated when the 2 most recent Regulatory Agendas were published.

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 401

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

SUBPART A: INTRODUCTION AND DEFINITIONS

- 401.30 Purpose
- 401.40 Definitions

SUBPART B: PERMITS AND LICENSES

- 401.100 Application for License
- 401.110 Provisions Pertaining to Permits
- 401.120 Provisional Licenses
- 401.130 Provisions Pertaining to Licenses
- 401.140 Application for Renewal of License
- 401.145 Renewal Application Under Deemed Status
- 401.150 Acceptance of Accreditation through Deemed Status
- 401.155 Removal of Agency from Deemed Status
- 401.160 Voluntary Surrender of License

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

- 401.200 Incorporation
- 401.210 Composition and Responsibilities of the Governing Body
- 401.220 Organization and Administration
- 401.230 Finances
- 401.240 Background Checks
- 401.250 Required Reporting to the Department
- 401.260 Required Record Keeping
- 401.270 Records Retention

SUBPART D: PERSONNEL REQUIREMENTS

- 401.300 The Executive Director
- 401.310 Child Welfare Supervisors
- 401.320 Child Welfare Workers

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- 401.330 Licensing Staff
- 401.340 Professional Staff
- 401.350 Support Personnel
- 401.360 Use of Volunteer Services
- 401.370 Non-Discrimination Against Employees Who Report Suspected Licensing Violations
- 401.380 Personnel Records

SUBPART E: SERVICES TO CHILDREN

- 401.400 Legal Safeguards of Children Served
- 401.410 Required Written Consents
- 401.420 Agency Responsibility
- 401.430 Interstate Placement of Children
- 401.440 Health and Medical Services for Children
- 401.450 Transportation of Children
- 401.460 Agency Supervised Foster Family Homes, Group Homes and Day Care Homes
- 401.470 Agency Responsibilities for Adoption Services
- 401.480 Agency Responsibilities for Independent Living Programs

SUBPART F: SEVERABILITY CLAUSE

- 401.500 Severability of This Part

- APPENDIX A Licensing Progression for Child Welfare Agencies
- APPENDIX B Requirements for Operation of Branch Offices
- APPENDIX C Management Representations of Child Welfare Agency Financial Condition and Operations
- APPENDIX D Minimum Requirements for a Risk Management Plan
- APPENDIX E Acceptance of Voluntary Surrender of License – No Investigations Pending
- APPENDIX F Acceptance of Voluntary Surrender of License – Investigations Pending
- APPENDIX G Acceptable Human Services Degrees
- APPENDIX H Professionals Who Must Be Registered or Licensed to Practice in the State of Illinois

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 11351, effective November 12, 1981; amended at 7 Ill. Reg. 3428, effective April 4, 1983; amended at 11 Ill. Reg. 17511, effective October 15, 1987; amended at 21 Ill. Reg. 4502, effective April 1, 1997; emergency amendment at 21 Ill.

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Reg. 9151, effective July 1, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR Objection at 21 Ill. Reg. 13929 and 14379; emergency expired on November 26, 1997; amended at 22 Ill. Reg. 10329, effective May 26, 1998; amended at 24 Ill. Reg. 9340, effective July 7, 2000; emergency amendment at 26 Ill. Reg. 6857, effective April 17, 2002, for a maximum of 150 days; emergency expired September 13, 2002; amended at 27 Ill. Reg. 494, effective January 15, 2003; amended at 27 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 401.40 Definitions

"Adequate assets" means the child welfare agency has sufficient liquid assets in reserve or has other sources of income and a line of credit independent of Department contracts which would allow it to provide continuous agency operations and provide services such as staff, taxes, rent, utilities, and supplies for a period of at least 30 days.

"Administrative order of closure" means a severe administrative sanction, approved by the Director of the Department of Children and Family Services, to close immediately an unlicensed child care facility, a child care facility which is exempt from licensure, or a licensed child care facility prior to revocation of the facility's license. An administrative order of closure is issued only when continued operation of the child care facility jeopardizes the health, safety, morals, or welfare of children served by the facility.

"Age appropriate safety restraint" means, for a child under four years of age, a child restraint system (infant carrier, infant/toddler seat, or convertible safety seat) which meets the standards of the United States Department of Transportation designed to restrain, seat or position children. For a child four years of age or older, an age-appropriate safety restraint means a child restraint system or seat belt (lap belt or lap-shoulder belt combination).

"Authorized representative of the governing body" means the person authorized by formal action at a meeting of the Board of Directors to act on behalf of the child welfare agency and sign the license renewal application (but not the initial application for license), contracts, and other such documents, on behalf of the governing body. Such authorization shall be in writing on agency letterhead, submitted to the Department licensing worker, and signed by the president or chairperson of the Board of Directors and the secretary of the Board of Directors.

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"Background check" means:

a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI), for comparison to their criminal history records, as appropriate; and

a check of the Statewide Automated Child Welfare Information System (SACWIS)~~Child Abuse and Neglect Tracking System (CANTS)~~ and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

a check of the Illinois~~Statewide-Child~~ Sex Offender Registry.

"Chief fiscal officer" means the staff position with primary responsibility for the receipt, distribution and accounting for all financial transactions of the agency.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in this Act, established and maintained for the care of children. "Child care facility" includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

"Child welfare agency" means a public or private child care facility, receiving any child or children for the purpose of placing or arranging for the placement of the child or children in foster family homes or other facilities for child care, apart from the custody of the child's or children's parents. The term "child welfare agency" includes all agencies established and maintained by a municipality or other political subdivision of the State of Illinois to protect, guard, train or care for children outside their own homes, but does not include any circuit court or duly appointed juvenile probation officer or youth counselor of the court, who receives and places children under an order of the court. [225 ILCS 10/2.08]

"Conditional license" means a nonrenewable license for a period not to exceed six months which may be granted to a child care facility when the facility has agreed to a

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corrective plan to amend identified deficiencies and bring the facility into reasonable compliance with all licensing standards. Conditional licenses may be issued with the approval of the Department only where no threat to the health, safety, morals or welfare of the children served exists. Any other license held by the facility shall be revoked when the conditional license is issued.

"Corporal punishment" means hitting, spanking, beating, shaking, pinching, excessive exercise, exposure to extreme temperatures, and other measures that produce physical pain. (National Health and Safety Performance Standards, Guidelines for Out-Of-Home Child Care Programs, American Public Health Association and American Academy of Pediatrics, 2002).

"Corrective plan" means a written plan approved by the Department's regional licensing administrator which identifies deficiencies in a child care facility's operations and which allows the facility a maximum of six months to correct the identified deficiencies and come into reasonable compliance with all applicable licensing standards.

"Deemed status" means the Department has approved a child welfare agency as in compliance with the requirements of this Part because the agency:

has received full accreditation status from the Council on Accreditation for Children and Family Services (2001 Standards); and

during the past four years, there have been no substantiated licensing violations that affect the health, safety, morals, or welfare of children served by the accredited agency.

"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

"Full license" means the agency is operating under a current child welfare agency license rather than a permit, a provisional license, a conditional license, or a license which has been revoked or which has expired after the agency failed to file a timely and sufficient application for license renewal.

"Governing body" means all members of the board of directors of a corporation.

"Guardian" means the guardian of the person of a minor. [225 ILCS 10/2.03]

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"Immediate family member" means a person's spouse, son, daughter, mother, father, sibling, brother- or sister-in-law, or other legal dependent.

"Inadequate assets" means the child welfare agency has less than 30 days of operating expenses available to them in liquid assets as required by the definition of adequate assets in this Section.

"Initial application for license" means the first application for licensure as a child welfare agency submitted by the individual, corporation, or other legal entity.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant" means those individuals, corporations, or other legal entities who have applied for a license from the Department of Children and Family Services.

"Licensee" means those individuals, corporations or other legal entities who hold a license or permit issued by the Department of Children and Family Services.

"Licensing worker" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601].)

"New application for child welfare agency license" means a license is sought to operate a child welfare agency when:

the applicant has applied previously for a child welfare agency license and withdrew the license application before a decision was made on the application for license; or

the applicant had been licensed previously as a child welfare agency, but voluntarily surrendered the license; or

the applicant had been licensed previously as a child welfare agency, but the Department revoked or refused to renew the license.

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"Permit" means a one-time only document issued by the Department of Children and Family Services to allow the license applicant to become eligible for an initial license. Permits may be for a maximum six month period, except that permits granted to foster family homes and day care homes are limited to a maximum of two months.

"Petty offense" means any offense for which a sentence to a fine only is provided. (Section 5-1-17 of the Unified Code of Corrections [730 ILCS 5/5-1-17])

"Provisional license" means a license issued for a period not to exceed two years to allow a licensed child welfare agency to demonstrate the ability to operate a business in a responsible fashion. During the provisional license period, the Department may exercise more stringent oversight or place more stringent requirements on the child welfare agency.

"Psychotropic medication" means medication whose use for antipsychotic, antidepressant, antimanic, antianxiety, behavioral modification or behavioral management purposes is listed in the AMA Drug Evaluations (Drug Evaluation Subscription, American Medical Association, Vols. I-III, Summer 1993) or Physician's Desk Reference (Medical Economics Data Production Company, 49th Edition, 1995) or which are administered for any of these purposes. (Section 1-121.1 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-121.1])

"Refusal to issue license" means the formal decision of the Department to decline to issue a license to the holder of a permit.

"Refusal to renew a license" means the formal decision of the Department to decline to issue a succeeding license, although the licensee has submitted a timely and sufficient application for license renewal, to the holder of a child care facility license or permit.

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being allowed to be alone with children receiving care in a licensed child care facility outside the visual or auditory supervision of facility staff.

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Responsible" means trustworthy performance of expected duties in accordance with

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established professional standards, State and federal law, and the rules of the Department of Children and Family Services.

"Revocation" means the termination of a full license or provisional license to operate a child care facility by a formal action of the Department. License revocations shall be conducted in accordance with Section 8 or 8.1 of the Child Care Act of 1969 [225 ILCS 10/8 and 8.1].

"Risk management plan" means a document developed in accordance with Appendix D of this Part that outlines the process for identifying and analyzing loss exposures, examining alternative risk control methods, and making and carrying out decisions that will minimize the adverse effects of accidental losses.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services that is replacing the Child Abuse and Neglect Tracking System (CANTS).

"Timely and sufficient application for license renewal" means the child welfare agency submitted the application for renewal of the license at least 90 days before the expiration date, the application was complete, dated, and signed by an authorized party, and the materials required by Section 401.140 were attached to the application for license renewal. License renewal applications for foster family homes or day care homes under the supervision of the child welfare agency are considered timely if the application was returned to the agency within the time frames required by the respective licensing standards 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) or 89 Ill. Adm. Code 406 (Licensing Standards for Day Care Homes).

"Valid license" means a license which has not been revoked or expired, or which would have expired except that the child welfare agency submitted a timely and sufficient application for license renewal and the Department has not yet rendered a decision on the application, and the facility has not been issued an administrative order of closure.

"Voluntary surrender of license" means that, in writing, the licensee has offered and the Department has accepted the licensee's offer to give up a valid license of his, her or its own free will. The Department is not required to accept the offer of the license and, in the Department's sole discretion, may decline to accept the license.

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

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SUBPART B: PERMITS AND LICENSES

Section 401.100 Application for License

- a) The initial application for license as a child welfare agency shall be completed by the officers of the governing body of the child welfare agency on forms prescribed and furnished by the Department.
- b) For the initial application for a license to be complete, the following shall be attached to the application:
 - 1) articles of incorporation and by-laws, indicating that the agency's corporate status is in good standing with the Illinois Secretary of State and, if a not-for-profit corporation under Section 501 of the Internal Revenue Code (26 USCA 501), a copy of the Internal Revenue Service ruling on the agency's exemption status from Federal income tax and registration with the Charitable Trust Bureau of the Attorney General's office (if applicable);
 - 2) a mission statement or statement of purpose including services to be provided and the types of child care facilities to be operated and supervised by the agency, including a plan for recruiting foster family and adoptive homes, as required to fulfill the agency's mission or purpose;
 - 3) a list of owners, officers, board members, principal shareholders owning more than 5% of the stock of the corporation and each person's attestation that he or she has not been convicted of a felony or indicated as a perpetrator of child abuse or child neglect, as defined in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect). This includes any or all of the above persons who reside outside the State of Illinois. The board list shall include the name, addresses and home telephone number or contact telephone number, other than the agency's telephone number, of each member;
 - 4) a listing of standing committees of the governing body;
 - 5) proposed operating budget for the first two years of operation;
 - 6) range of services to be provided within the first two years of operation; and
 - 7) a comprehensive staffing plan which includes job descriptions and the qualifications of the staff for all child welfare programs to be provided by the agency. If the child welfare agency operates within a multi-service agency, those staff positions ~~that~~which perform no functions for the child welfare agency do not need to be included in the staffing plan. If the child welfare agency intends to operate branch offices, the address, ~~telephone~~phone number and staffing plan for each of the branch offices is

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to be included in the initial application (if known) or reported to the Department within 30 days after the location for a branch office is secured.

- c) In addition, the license applicant shall have the following items available for review when the licensing worker visits the agency headquarters.
- 1) A list of current employees of the child welfare agency and persons to whom the agency has made a commitment to hire; and
 - A) certified transcripts of each employee's educational credentials (if obtained from a foreign school or university, the credentials must be translated into English and include a statement of equivalency in the United States educational system);
 - B) verification of prior work history, when the work history is required to qualify for the current position;
 - C) copy of current professional license or registration, if required. (See Appendix G for a list of professionals commonly used by a licensed child welfare agency who must be licensed or registered.); and
 - D) if the individual is subject to the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) a copy of each employee's complete, signed authorization to conduct a background check.
 - 2) The agency's written personnel policies, including written compensation policies and salary levels.
 - 3) The agency's written service delivery policies.
 - 4) The agency's risk management plan developed in accordance with Appendix D of this Part.
 - 5) The agency's documentation of current public liability insurance as required by Section 401.220(g).
 - 6) The agency's code of ethics which has been adopted by the governing body which must be at least as stringent as the Code of Ethics for Child Welfare Professionals (published by the Office of Communications, Department of Children and Family Services, 406 East Monroe, Station #65, Springfield, Illinois 62701; (May 1996) or found on the Department's website at www.state.il.us/dcfs, under the Communications tab).
 - 7) The agency's financial management policies.
- d) If the corporate status or ownership of the child welfare agency changes, the new corporate entity must file an initial application for a child welfare agency license as the new corporation.
- e) A new application for a child welfare agency license shall be filed when:
- 1) an application for license as a child welfare agency has been withdrawn

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- before a decision was made on the application and the agency seeks to reapply; or
- 2) the applicant had been licensed previously as a child welfare agency, but voluntarily surrendered the license, and any waiting period agreed to when the voluntary surrender was accepted has expired; or
 - 3) the applicant had been licensed as a child welfare agency, but the Department revoked or refused to renew the license and the requirements of subsection (f) of this Section have been fulfilled.
- f) A new application may be submitted at any time when a license, permit or application has been voluntarily surrendered or withdrawn by the applicant unless the applicant has signed an agreement with the Department not to reapply for a license for a specified period of time. Once an investigation of the facility has been commenced, the license may be voluntarily surrendered only with the signed, written agreement of the regional licensing administrator on the form prescribed in Appendix F.
- g) If the Department has revoked or refused to renew the license of a child welfare agency and the agency seeks to reapply for a license, it may do so if at least 12 months have passed since the effective date of the revocation or refusal to renew. If a new license is granted to the applicant, the Department shall issue a provisional license to the applicant for a period not to exceed two years. *The denial of a reapplication for a license pursuant to this subsection must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department pursuant to the Child Care Act of 1969, or maintaining a facility which adheres to such standards and rules.* [225 ILCS 10/6(c)]
- h) The applicant shall submit an original and one copy of the application for license and all required documentation.

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

Section 401.140 Application for Renewal of License

- a) ~~License renewal application~~ ~~Application~~ forms ~~for license renewal~~ shall be mailed to the child welfare agency by the Department six months prior to the expiration date of the license. ~~For a renewal application to be considered complete, the following shall be attached to the application: When the application for license renewal is submitted to the Department,~~
- 1) ~~the child welfare agency shall submit~~ a complete listing of the names and addresses of all licensed and license-exempt child care facilities supervised by the child welfare agency and of any pending applications

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for ~~licensure of license as~~ a foster family or day care home which will be supervised by the child welfare agency;

- 2) a current list of names, addresses, and home telephone numbers or contact telephone numbers, other than the agency's telephone number, of owners, officers, board members, and principal shareholders owning more than 5% of the stock of the corporation;
 - 3) a staff list, including name, job title and documentation of child welfare staff licensure (if applicable);
 - 4) any pending investigations or actions against the agency's license; and
 - 5) changes in any of the agency's policies since the last application.
- b) The original of the completed application, along with the listing of child care facilities supervised by the agency, and one copy of all materials shall be submitted to the Department no later than 90 days before the date of the expiration of the child welfare agency's license.
- c) *When a licensee has made timely and sufficient application for renewal of a license and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect until the final Department decision has been made. [225 ILCS 10/5(d)]*
- d) After receipt of the application for license renewal, the Department shall conduct a license study ~~that which~~ shall consist of a comprehensive licensing compliance review. The study may include unannounced visits if conducted within normal business hours, in order to determine that the child welfare agency continues to meet licensing standards. The licensing study shall include *an examination of the premises and records* of the child welfare agency to determine the degree of compliance with these standards and shall include:
- 1) *random surveys of parents or legal guardians who are consumers of the child welfare agency's services to assess the quality of care given and to determine if the child welfare agency is in compliance with the Foster Parent Law [20 ILCS 520];*
 - 2) a review of a representative sample of child care facilities supervised by the child welfare agency, which may include site visits to these facilities;
 - 3) a review of unusual incident reports, child abuse/neglect reports, financial and payment records, and other agency performance indicators to evaluate the quality of care provided through the agency;
 - 4) interviews of child welfare agency employees, foster parents, biological parents, children receiving care through the licensed child welfare agency, and other clients that receive services from the child welfare agency; and
 - 5) a review of the records, staffing, and operations of any branch offices operated by the child welfare agency.

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- e) The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing worker performing the study. *If the Department is satisfied that the facility continues to be in compliance with minimum standards which it prescribes and publishes, it shall renew the license to operate the facility.* [225 ILCS 10/6] ~~A copy of the licensing study will be made available to the license applicant upon payment of all copying costs.~~

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

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

Section 401.210 Composition and Responsibilities of the Governing Body

- a) The governing body of a child welfare agency shall be all the members of the Board of Directors of the corporation.
- b) Each member of the governing body of the child welfare agency and principal shareholders (owning 5% or more of the corporate stock) shall be of reputable and responsible character who shall certify that they have never been convicted of a felony or indicated as a perpetrator in a child abuse or neglect report, as defined in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).
- c) The governing body may create an executive committee or a child welfare committee that has been delegated limited decisionmaking authority. The executive committee may act on behalf of the governing body in emergency matters.
- d) The governing body shall:
- 1) establish written by-laws which govern the major operations of the agency and which outline the duties of the officers of the board of directors and committees to be established by the board of directors;
 - 2) set long range goals for the agency;
 - 3) if incorporated as a not-for-profit corporation, adopt a conflict of interest policy which requires, at a minimum:
 - A) that no member of the board of directors or any member of his or her immediate family may derive or appear to derive any personal profit or gain, directly or indirectly, by reason of his or her membership on the board of directors or because of services provided to the board;
 - B) that each board member must disclose to the board any personal interest which he or she or any member of his or her immediate family may have in any current or potential matter before the board and refrain from participating in any decision on such matters;

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- C) that no member of the executive director's or the chief financial officer's immediate family ~~shall~~may serve on the board of directors for the child welfare agency and no member of any board member's immediate family may serve as executive director, the chief financial officer, or an independent contractor of the agency;
- 4) if incorporated as a for-profit corporation, adopt a code of conduct for the board;
- 5) insure that the child welfare agency operates at all times with a qualified, full-time executive director who, by official written notice, is made known to the Department. The governing body shall:
- A) approve a written job description for the agency executive director which delineates the executive director's responsibilities and authority and the governing body's expectations of the agency executive director;
- B) review and authorize all compensation for the agency executive director, including salary, allowances, memberships or other benefits;
- C) evaluate the agency executive director in writing at least annually;
- 6) insure that an adequate process is in place for recruiting, hiring, and maintaining qualified child welfare supervisors and other staff required by this Part;
- 7) hold at least quarterly meetings, unless the agency holds a provisional license, thus requiring a minimum of bi-monthly meetings of the board of directors. *Unless specifically prohibited by the articles of incorporation or bylaws, directors or non-director committee members may participate in and act at any meeting of such board or committee through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can communicate with each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating [805 ILCS 105/108.15];*
- 8) keep written records or minutes of all board meetings reflecting official actions of the board which shall contain, at a minimum, the date of each board meeting, the persons who were in attendance, the issues discussed in the meeting, any committee reports made to the board, the decisions made and actions taken. Such minutes shall be available for review by the Department's licensing worker, upon request;
- 9) officially notify the Department in writing within 30 days after a change in the executive director or chief financial officer of the child welfare agency or of any major changes in the corporate structure, including, but not

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limited to:

- A) changes in the articles of incorporation or by-laws;
 - B) changes in the not-for-profit status or tax exempt status as determined by the Internal Revenue Service (if applicable) or its charitable organization status as determined by the Illinois Attorney General;
 - C) addition of any principal shareholder owning at least 5% of the stock of the corporation; or
 - D) changes in the governing body or its officers;
- 10) establish written policies of the child welfare agency which shall be made available to all board members, employees, and agency clientele, including services to be provided by the agency, admissions, care of children, and other policies as needed to direct the agency, such as family visitation and community contacts with children;
 - 11) provide and maintain permanent offices accessible to the public and appropriate for the administrative program and supportive services. These offices, including all branch offices, shall be staffed during the business hours established by the agency, shall be equipped with telephones, and shall have a permanent mailing address;
 - 12) maintain and keep all records and documents required by this Part in the State of Illinois where they shall be readily available for review by authorized persons;
 - 13) insure fidelity bonding of fiscally responsible officers and employees against breach of fiduciary duty or the loss of monies, securities, or other property which the agency may sustain through any fraudulent or dishonest act committed by an officer or employee acting alone or in collusion with others. These officers or employees must be bonded regardless of whether elected or appointed or whether compensated by salary;
 - 14) insure that the child welfare agency maintains adequate assets, as defined in Section 401.40, for responsible fiscal operation of the agency; and
 - 15) insure that all persons working directly with children are of reputable and responsible character, as verified by their employment history of at least the past three years, the status of any professional license they hold, and completion of the background checks required by 89 Ill. Adm. Code 385 (Background Checks).
- e) ~~Child welfare agencies fully licensed as of July 1, 1998 have until July 1, 1999 to attain compliance with the requirements of this Section.~~

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

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Section 401.250 Required Reporting to the Department

- a) **Staff and Volunteers**
The child welfare agency shall maintain and submit reports on staff and volunteers to the Department on forms prescribed by the Department:
- 1) An individual report on each new employee or member of the governing body (including the owner, operator, principal shareholder owning at least 5% of the stock of the corporation or director) shall be filed with the Department within 30 days after the employment of the new employee or appointment of a new member of the governing body. A copy of this report shall be kept at the agency.
 - 2) Copies of documentation of verification of educational achievement and documentation of prior work history (when required to qualify for the current position).
- b) **License Status of Child Care Facilities Supervised by the Child Welfare Agency**
The child welfare agency shall report in writing to the Department licensing office when the license status changes for a foster family home or day care home supervised by the agency. Such reports shall be received within five days after the last day of each month for all license status changes in the month. Such changes in license status may include, but are not limited to:
- 1) failure or refusal to renew the license;
 - 2) revocation or voluntary surrender of the license;
 - 3) change in the status of licensees (death, divorce or separation of a husband and wife, change in not-for-profit status);
 - 4) change of address of the licensee;
 - 5) change in license capacity;
 - 6) transfer of license supervision to another supervising child welfare agency; or
 - 7) foster or adoptive family moves out-of-state.
- c) Semiannual Monitoring of Licensed Facilities Supervised by the Agency. The agency shall maintain and submit to the Department documentation of compliance with Section 401.420(c) requiring semiannual monitoring.
- d) When there has been a report of child abuse or neglect in a foster family home or day care home that is supervised by the agency and a formal child abuse and neglect investigation begins, the agency shall send a complete copy of the licensing record and any other requested information to the Department's agency and institution licensing representative within 5 days after a request for such information.

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- e) The agency shall send a copy of the licensing complaint investigation file to the Department's licensing unit within 5 days after the conclusion of the complaint investigation.
- f) Monthly Visits with Children in Placement.
The agency shall submit quarterly reports to the Department regarding its compliance with Section 401.420(b) requiring monthly visits with foster parent and children in care.
- g)e) Unusual Incident Reports
The agency shall report to the Department unusual incidents as defined in 89 Ill. Adm. Code 331 (Unusual Incidents).
- 1) Involving Children
The governing body or its designee shall orally report any unusual incidents involving children at the earliest reasonable time, but no later than the next business day after the incident, to the child's parent or guardian and the Department licensing worker. If the agency is unable to contact the parent or guardian and the Department immediately, it shall document this fact in the child's record. Unusual incidents include accident or injury requiring hospitalization, death, arrest, or other emergency situations. Oral reports shall be confirmed in writing within two business days after the occurrence.
 - 2) Involving Employees, Foster Parents, or Relative Caregivers
The governing body or its designee shall report to the Department licensing worker any work or service related unusual incident which results in the death, accident or injury resulting in hospitalization, or alleged commission of a felony involving any child welfare agency employee, foster parent, day care provider, or relative caregiver. A verbal report shall be made within 24 hours after the occurrence and shall be confirmed in writing within two business days after the occurrence.
- h) Upon request, the agency shall provide the Department's licensing unit within 5 calendar days, a complete copy of the licensing file for a foster home or day care home that is supervised by the agency.

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

SUBPART D: PERSONNEL REQUIREMENTS

Section 401.300 The Executive Director

- a) The child welfare agency shall hire an executive director who shall be a full-time employee designated by the governing body to carry out the day-to-day

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management of the child welfare agency and the policies and procedures established by the governing body. The requirements of this Section apply to the person who reports to the board about the day to day management of the agency, regardless of the title used to describe the position within the agency. When the child welfare agency operates within a larger, multi-service agency, the executive director responsible for the child welfare agency need not be the chief executive officer for the multi-service agency.

- b) The executive director shall have:
- 1) a Master's of Social Work degree from an accredited school of social work and three years' work experience in social work administration; or
 - 2) a Master's degree in a human services field from an accredited school and five years work experience in human services administration; or
 - 3) a Master's degree in Business Administration or Health Administration or a law degree and five years experience in administration. Such degrees are acceptable only if the executive director never functions as the child welfare supervisor and the child welfare supervisor has a Master's of Social Work degree from an accredited school of social work or a Master's degree in a human services field from an accredited school.
- c) If the executive director also serves as the child welfare supervisor, the executive director also must meet the qualifications in Section 401.310 for the child welfare supervisor.
- d) All persons currently serving as executive director who were qualified as the administrator under former Section 401.11 of this Part (The Administrator) and who have served in that capacity for a minimum of five years immediately preceding July 1, 1998 shall continue to be deemed qualified for their positions as executive director for the child welfare agency where they are employed as of July 1, 1998.
- e) A qualified supervisor or manager shall be appointed to act on behalf of the executive director when the executive director is absent and cannot be reached in the event of an emergency.
- f) If the executive director is to be on leave for more than one month or has left his or her position prior to the hiring of a replacement, the Department shall be notified within five business days of the name of the person appointed as acting executive director. The acting executive director shall have the qualifications required of an executive director as specified in this Section.

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

SUBPART E: SERVICES TO CHILDREN

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Section 401.400 Legal Safeguards of Children Served

- a) The agency shall have written verification of the legal status for all children accepted for care and service. There shall be written financial agreements between the child welfare agency, foster family parents, and the legal guardian, court, or another agency, as applicable and appropriate for the care of the child and the management of any monies or benefits received on the child's behalf.
- b) Personal funds of children and youth held by the agency shall be controlled by generally accepted accounting procedures and shall be deposited in an insured account. Children and youth shall receive receipts for all financial transactions on a monthly basis. The facility shall provide a quarterly report on the status of each child's or youth's account to the child's or youth's caseworker, guardian ad litem and attorney.
- c) Personal financial transactions or transfer of a child's or youth's personal property among children or youth, children or youth and staff, and children or youth and volunteers/interns shall be prohibited.
- d) The agency shall assure that a child's personal belongings brought to a placement and acquired by or given to the child, such as clothing, books, toys, gifts, private collections, photographs, child's private savings, allowances and other items, accompany the placement and are returned to the child when the child leaves that placement.

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

Section 401.420 Agency Responsibility

- a) Each child served by the agency shall, at all times, have a designated child welfare worker assigned or, for a period of time not to exceed 30 days, the case may be assigned to a child welfare supervisor.
- b) Children in placement shall be seen by the child welfare worker assigned to the case at least once every month. Foster parents shall be seen by the child welfare worker at least monthly.
- c) Each licensed facility supervised by the child welfare agency shall be visited by the licensing worker of the agency at least semi-annually to insure that the standards for licensing continue to be met.
- d) Critical decisions regarding a child, such as accepting for placement, subsequent placements, determination of or changes in the service plan, and discharge from care, shall be reviewed by the child welfare supervisor prior to implementation and when needed. These critical decisions shall result in a revised service plan.
- e) A comprehensive written admission study shall be completed within 30 days after

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admission and shall include:

- 1) child's name, birth date, place of birth, sex, race, religious affiliation, primary language, legal status including the legal status of the parents, and present address;
 - 2) names, birth dates, places of birth, marital status, sex, race, religious affiliation, primary language, addresses, and telephone numbers of the child's biological and adoptive parents;
 - 3) date and facility of placement and information concerning any special care or treatment provided to the child and his or her family; and
 - 4) reasons for, and the goal of, placement.
- f) The child and/or his or her parent or guardian shall be active participants, to the extent possible, in all decisions regarding the reasons for, and the goal of placement, the child's educational plan, and the service agreement.
- g) Child welfare agencies that license or supervise foster family homes shall comply with the Foster Parent Law [20 ILCS 520].
- h) Records for each child placed in a licensed or license exempt child care facility or independent living program shall include an admission study, legal documents and agreements for care, as required, and case recording which reflects the ongoing placement supervision, service planning, care and treatment of the child.
- i) When a child is discharged from the agency's care, records shall include the reason for discharge, the legal status of the child, the name and address of the agency or person to whom the child is discharged, family reunification or aftercare services to be provided to stabilize the family, and any recommendation for the child's future care.
- j) The agency shall provide an environment of safety and well being for children in care.**
- 1) Staff shall not abuse or neglect children and shall protect children from harm at all times.**
 - 2) No child shall be subjected to corporal punishment, verbal abuse, threats or derogatory remarks about the child or the child's family.**

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

Section 401.460 Agency Supervised Foster Family Homes, Group Homes and Day Care Homes

- a) Foster family and day care homes operated and supervised by a child welfare agency shall be licensed according to the standards prescribed and published by the Department for licensing such foster family and day care homes.
- b) The child welfare agency shall submit an application for a license on forms

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provided by the Department for each foster family home and day care home supervised by it. The child welfare agency shall recommend the licensure of or denial of license of family homes supervised by the child welfare agency. The child welfare agency shall make these recommendations to the Department in accordance with 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) and 89 Ill. Adm. Code 406 (Licensing Standards for Day Care Homes).

- c) When an individual submits an initial application for a foster family home license and the applicant was previously licensed as a foster family home, the child welfare agency shall review and assess all previous licensing history before making a recommendation to issue or deny a license on the current application. The child welfare agency shall share a complete copy of the previous licensing file and any licensing complaint file with an agency reviewing such an application for license.
- d)e) The child welfare agency shall maintain licensing records on all foster family and day care homes under its licensing supervision. The child welfare agency shall insure that facilities operating under its supervision maintain all the records required by the appropriate licensing standards for the facility.
- e)d) The child welfare agency supervising a group home licensed by the Department shall be responsible for ensuring the facility operates in accordance with the applicable licensing standards prescribed by the Department. When the child welfare agency intends to supervise a group home, the child welfare agency shall forward the group home license application and necessary documentation to the Department. Department's licensing staff shall conduct a license study and determine whether the group home is in compliance with 89 Ill. Adm. Code 403, Licensing Standards for Group Homes.

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

Section 401.470 Agency Responsibilities for Adoption Services

Child welfare agencies must assure the Department that placements of children for adoption are made in the best interests of the children and are selected to meet the needs of the child at the time of the placement and as the child grows and develops. In addition to meeting all requirements for a child welfare agency described in this Part, agencies which provide adoption services must meet the following additional requirements:

- a) have guidelines and eligibility criteria for the selection and evaluation of adoptive home applicants;
- b) provide pre-placement services ~~that~~which include the assessment and preparation of the potential adoptive family as well as the child in need of an adoptive home;
- c) provide the adoptive family with all non-identifying information about the child

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which has been verified as accurate, whenever possible. If it is not possible to verify the accuracy of the information provided to the adoptive parents, the agency may provide the information to the adoptive family, but shall note that the information has not been verified;

- d) ensure that the legal rights of all parties, including the birth parents, the child, and the adoptive parent are protected throughout the adoption process;
- e) provide the adoptive family, through written agreements, with a clear explanation of the charges and costs the family will incur in the adoption process;
- f) provide the adoptive family prior written notification of any changes to the charges or costs;
- g) provide the birth parents with a clear written explanation of their rights;
- h) comply with all State and federal laws and the requirements of 89 Ill. Adm. Code 333 (Inter-country Adoption Services) when the adoptive placement involves a child from a foreign country:-
- i) prohibit discrimination against any child, foster parent or prospective adoptive parent on the basis of race, gender, or ethnicity.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Low Income Energy Assistance Program
- 2) Code Citation: 47 Ill. Adm. Code 100
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
100.105	Amend
100.APPENDIX A	Amend
- 4) Statutory Authority: : Implementing the Energy Assistance Act of 1989 [305 ILCS 20] and Section 2 of the Illinois Economic Opportunity Act [20 ILCS 625/2] and authorized by Section 4 of the Energy Assistance Act of 1989 [305 ILCS 20/4], Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95], and the Low-Income Home Energy Assistance Act of 1981 (42 USCA 8621 et seq.).
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking clarifies and updates the rules governing the Department's administration of the Energy Assistance and Weatherization Programs. This rulemaking has been necessitated by recent amendments to the Energy Assistance Act of 1989, which created a new funding stream for the program. In addition, the amendments clarify and/or update program operation issues such as grant language, income eligibility standards, and program definitions.
- 6) Will this proposed amendment replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Erin E. Davis
Administrative Code Rules Manager
Illinois Department of Commerce and Economic Opportunity
620 East Adams
Springfield, IL 62701

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

(217) 785-6285

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses and small municipalities affected: These amendments clarify and update operations of the programs necessitated by changes in policy and enabling legislation and have no material effect on the entities.
- B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping, financial management, program administration and reporting of approved grants.
- C) Types of professional skills necessary for compliance: Grantees would already possess the skills necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized:

This rule was not included on either of the 2 most recent agendas because this rulemaking was not anticipated.

Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments and begins on page 14838 of this of the *Illinois Register*:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Telecommunications Relay Service
- 2) Code Citation: 83 Ill. Adm. Code 756
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
756.10	Amendment
756.15	Amendment
756.20	Repeal
756.30	Amendment
756.100	Amendment
756.105	Amendment
756.110	Amendment
756.115	Amendment
756.120	Amendment
756.125	Amendment
756.205	Amendment
756.210	Amendment
756.215	Amendment
756.220	Amendment
756.225	Amendment
756.300	Amendment
756.305	Amendment
- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: These proposed amendments will incorporate into the Part changes made by the Federal Communications Commission that will update and improve telephone relay service (TRS) operations and specifications and communications assistant standards, implement the 7-1-1 dialing code, and provide for free local calls from payphones. The proposed amendments modify the billing and revenue requirements that were specific to the provisioning of the TRS by AT&T and generally update terminology and definitions.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No

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- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 03-0515, with:
- Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)782-7434
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations unless these entities are also telecommunications carriers as defined in the Public Utilities Act.
- B) Reporting, bookkeeping or other procedures required for compliance: Filing requirements
- C) Types of professional skills necessary for compliance: Managerial and engineering skills
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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

PART 756
TELECOMMUNICATIONS RELAY SERVICES

SUBPART A: GENERAL PROVISIONS

- Section
- 756.10 Definitions
- 756.15 Dispute Procedures
- 756.20 Notice (Repealed)
- 756.30 Waiver

SUBPART B: TELECOMMUNICATIONS CARRIER ~~LEC~~ OBLIGATIONS

- Section
- 756.100 Components of Relay Service
- 756.105 Relay Service Execution and Administration
- 756.110 Publicity Concerning Relay Service
- 756.115 RFP Selection Process
- 756.116 Commission Approval of Proposal
- 756.120 System Provider Interactions
- 756.125 Filing Requirements

SUBPART C: RELAY SERVICE PROGRAM STANDARDS AND SPECIFICATIONS

- Section
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756.305 Advisory Council Rights

756.310 Biannual Workshop

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101].

SOURCE: Adopted at 12 Ill. Reg. 17321, effective October 15, 1988; amended at 15 Ill. Reg. 5618, effective April 15, 1991; emergency amendment at 16 Ill. Reg. 14470, effective September 3, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1848, effective February 1, 1993; amended at 17 Ill. Reg. 12294, effective July 15, 1993; amended at 27 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 756.10 Definitions

"7-1-1" means the abbreviated dialing code for accessing all types of relay services anywhere in the United States.

"Act" means the ~~The~~ Public Utilities Act (~~Ill. Rev. Stat. 1991, ch. ch. 111½, pars. 1-101 et seq.~~) [220 ILCS 5].

"Advisory Council" means the advisory council established by 83 Ill. Adm. Code 755.405.

"American Sign Language" or "ASL" means a visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body.

"ASCII" ~~is an acronym for~~ ~~means~~ the American Standard Code for Information Interexchange which employs an eight bit code and can operate at any standard transmission baud rate including 300, 1200, 2400 and higher.

"Baudot" means a seven bit code, only five of which are information bits. Baudot is used by some text telephones to communicate with each other at a 45.5 baud rate.

"Call release" means a Telecommunications Relay Service (TRS) feature that allows the Communications Assistant (CA) to sign-off or be "released" from the telephone line after the CA has set up a telephone call between the originating text

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telephone (TTY) caller and a called TTY party, such as when a TTY user must go through a TRS facility to contact another TTY user because the called TTY party can only be reached through a voice-only interface, such as a switchboard.

"Communications Assistant" ~~"Communication Assistant"~~ or "CA" means a person who transliterates or interprets conversations ~~from text to voice and from voice to text~~ between two or more end users of TRS. CA supercedes the term "TRS operator". ~~relay services.~~

"Commission" means the Illinois Commerce Commission.

~~"Deaf or hard of hearing" refers to a person with a permanent hearing loss who can regularly and routinely communicate by telephone only through the aid of devices which can send and receive written messages over the telephone network. "Deaf-blind" refers to a person who is deaf or hard of hearing and who also has a sight disability and who can regularly and routinely communicate by telephone only through the aid of a telebraille device.~~

"Disability" refers to a condition of being permanently hearing disabled, ~~deaf or hard of hearing,~~ deaf-blind, speech-disabled, hearing-sight disabled, or speech-sight disabled, as those terms are defined in 83 Ill. Adm. Code 755.10 ~~or speech-disabled blind.~~

"FCC" means Federal Communications Commission.

"Hearing carry over" or "HCO" means a ~~reduced~~ form of TRS where the person with the speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation. Two-line HCO is an HCO service that allows TRS users to use one telephone line for hearing and the other for sending TTY messages. HCO-to-TTY allows a relay conversation to take place between an HCO user and a TTY user. HCO-to-HCO allows a relay conversation to take place between two HCO users.

"Illinois Telecommunications Access Corporation" or "ITAC" means the not-for-profit corporation jointly established by the Illinois telecommunications carriers providing local exchange service carriers in order to administer the programs mandated by Section 13-703 of the Act [220 ILCS 5/13-703] on behalf of the carriers.

"Interexchange carrier" or "IXC" means ~~"IXC" means interexchange carrier,~~

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~~which is~~ a telecommunications carrier providing interexchange service as defined in Section 13-205 of the Act [\[220 ILCS 13-205\]](#).

"Non-English language relay service" means a telecommunications relay service that allows persons with hearing or speech disabilities who use languages other than English to communicate with voice telephone users in a shared language other than English, through a CA who is fluent in that language.

"Public Safety Answering Point" or "PSAP" means a facility that has been designated to receive 9-1-1 calls and route them to emergency services personnel.

"Qualified Interpreter" means an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

~~"LEC" means local exchange carrier, which is a telecommunications carrier providing local service as defined in Section 13-204 of the Act.~~

"Relay system" means the configuration, provision, and operation of the facilities, equipment and personnel through which the telecommunications carriers LEC's shall provide relay service.

"Speech-to-speech relay service" or "STS" means a telecommunications relay service that allows individuals with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by that person.

"Speed dialing" means a TRS feature that allows a TRS user to place a call using a stored number maintained by the TRS facility. In the context of TRS, speed dialing allows a TRS user to give the CA a "short-hand" name or number for the user's most frequently called telephone numbers.

"SS7" or "Signaling System 7" means a carrier out-of-band signaling network used for call routing, billing, and management. SS7 provides for the delivery of Caller ID, improves access to 9-1-1, and eliminates the need to collect some information currently collected manually through caller profiles.

~~"Speech-disabled" means a person with a permanent speech disability which precludes oral communication, who can regularly and routinely communicate by telephone only through the aid of devices which can send or receive written messages over the telephone network.~~

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~~"Speech disabled blind" means a speech-impaired person who also has a sight disability.~~

"Staff Liaison" means the Staff Liaison established by 83 Ill. Adm. Code 755.400.

"System provider" means that corporation, organization, coalition or entity who, under contract to the ITAC, provides the relay system through which the telephone communications carriers LEC's shall provide relay service.

~~"Telecommunications carrier" or "carrier" has the same meaning as in Section 13-202 of the Act [220 ILCS 5/13-202] that is providing local exchange telecommunications service as defined in Section 13-204 of the Act [220 ILCS 5/13-204]. For purposes of this Part, "telecommunications carrier" or "carrier" also includes telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act.~~

~~"TT" means text telephone, a device which employs graphic or braille communication in the transmission of coded signals through wire or radio communication system. The term shall include any "telebraille" device, a TT which employs braille language symbols.~~

"Telecommunications Relay Service" or "TRS" (TRS) or "Relay service" means telephone transmission services that provide the ability for an individual with a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. This term includes services that enable two-way communication between an individual who uses a text telephone or other nonvoice terminal device and an individual who does not use such a device, speech-to speech-services, non-English language relay service, and video relay service. TRS supersedes the terms "dual party relay system", "message relay services", and "TDD Relay".

"Text telephone" or "TTY" means a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. TTY supersedes the term "TDD" or "telecommunications device for the deaf" and "TT".

"Three-way calling" means a TRS feature that allows more than two parties to be on the telephone line at the same time with the CA.

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"Transliterate" means to verbally express a message received by TTY ~~TT~~ or to send by TTY ~~TT~~ a verbal message received.

"Video relay service" or "VRS" means a telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller.

"Voice carry over" or "VCO" means a ~~reduced~~ form of TRS where the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation. Two-line VCO is a VCO service that allows TRS users to use one telephone line for voicing and the other for receiving TTY messages. A VCO-to-TTY TRS call allows a relay conversation to take place between a VCO user and a TTY user. VCO-to-VCO allows a relay conversation to take place between two VCO users.

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

Section 756.15 Dispute Procedures

- a) The system provider shall assign to one or more of its personnel the duty of hearing any dispute by a relay service user. ~~The Such~~ personnel shall consider the user's allegations and shall explain the user's situation and system provider's assertions in connection therewith. ~~The Such~~ personnel shall be authorized to act on behalf of the system provider in resolving the complaint and shall be available during all hours for this duty.
- b) The system provider shall direct its personnel engaged in personal contact with the user seeking dispute resolution under the provisions of this Part to inform the user of his/her right to have the problem considered and acted upon by supervisory personnel of the relay service where any dispute cannot be resolved.
- c) Should a user express nonacceptance of the decision of supervisory personnel, the supervisory personnel shall then inform the user of his/her right to have the problem reviewed by ITAC, and shall furnish the user with the telephone number and address of ITAC.
- d) The system provider shall maintain a log of consumer complaints and must retain the log until the next application for certification by the FCC is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.

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- ~~e)d)~~ In cases where the dispute is not resolved, ITAC shall direct its personnel to inform the user of his/her right to have the problem reviewed by the Commission and shall furnish the user with the telephone number and address of the Staff Liaison Consumer Services Division of the Commission. In addition, ITAC shall offer the assistance of the Advisory Council pursuant to Section 756.305(b).
- ~~f)e)~~ Billing disputes
- 1) When a customer disputes a particular bill, the customer's telecommunications carrier LEC shall not discontinue service for nonpayment so long as the customer:
 - A) pays the undisputed portion of the bill;
 - B) pays all future periodic bills by the due date; and
 - C) enters into discussion with the customer's telecommunications carrier LEC to settle the dispute.
 - 2) No late payment charge shall be charged on any disputed bill paid within 14 days of resolution of the dispute if the complaint was filed with the telecommunications carrier LEC before the bill became past due.
- ~~g)f)~~ Disputes arising under this Part shall also be governed by 83 Ill. Adm. Code 735.200.

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

Section 756.20 Notice (Repealed)

~~Unless otherwise indicated, "notice" means notice within 30 days of the event for which notice is required. Notice shall be given in writing or by TT. Notice given by TT shall be subject to hard copy recovery by, and at the discretion of, the receiver, except that an LEC or its agent shall mail a Braille copy of any notice to a telebraille recipient within 48 hours of the original transmission of notice.~~

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

Section 756.30 Waiver

If ITAC, on behalf of the telecommunications carriers, determines that compliance with any portion of this Part is technologically or financially infeasible, it may request a waiver of such provision. A request for a waiver shall be made by petition and shall set forth a full statement of the reason for the requested waiver. The burden of proof in any request for a waiver shall be upon ITAC and ITAC must show, among other things, that such modification would not violate any legislative mandate. If the Commission grants such waiver, it may specify the period for which such waiver is granted.

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

SUBPART B: TELECOMMUNICATIONS CARRIER ~~LEC~~ OBLIGATIONS**Section 756.100 Components of Relay Service**

- a) Each telecommunications carrier ~~The LEC's~~ shall provide intrastate service whereby a person with a hearing or speech disability can communicate with voice telephone users through the use of a trained CA or functionally equivalent technology. At a minimum, relay service shall:
- 1) Provide text-to-voice and voice-to-text relay service;
 - 2) Be capable of communicating with ASCII or Baudot format at any speed generally in use;
 - 3) Provide speech-to-speech relay service;
 - 4) Provide Spanish language relay service;
 - 5) Provide VCO, two-line VCO, VCO-to-TTY, and VCO-to-VCO;
 - 6) Provide HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO; and
 - 7) Provide access via the 7-1-1 dialing code to all relay services as a toll free call.
- b) The minimum requirements listed in this Section do not prevent ITAC from offering more relay services, including but not limited to Video Relay Service and Non-English language relay service.
- c) TRS providers are required to provide the following features:
- 1) Call release functionality;
 - 2) Speed dialing functionality;
 - 3) Three-way calling functionality; and
 - 4) Answering machine and voice mail retrieval.

~~The LEC's shall provide intrastate relay service whereby a person with a disability utilizing a TT (either ASCII or Baudot code capable) can communicate with a hearing person through the voice assistance of a CA. All TRS conversations between TT and voice callers shall be in real time. The relay service shall accept calls that can be dialed directly by a CA at the request of the originating caller. Specifically the CA shall do the following:~~

- a) ~~Accept a call from a TT-equipped caller, place a call to an individual who does not have a disability and transliterate the TT messages to voice messages and the voice messages to TT messages in order to complete the communications link; and~~
- b) ~~Accept a call from a caller who does not have a disability, place a call to a TT-equipped individual and transliterate the voice messages to TT messages and TT messages to voice messages in order to complete the communications link.~~

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

Section 756.105 Relay Service Execution and Administration

Each telecommunications carrier's ~~The LEC's~~ shall:

- a) Fund the relay service in part through tariffed charges to relay service users as provided in Section 756.125(a). The telecommunications carriers ~~LEC's~~ shall derive the balance of the relay service funding requirements from the revenues collected as authorized by the Commission pursuant to Section 13-703(c) of the Act;
- b) Jointly administer the relay service through ~~their joint agent~~, the ITAC, on behalf of the carriers;
- c) Direct the ITAC, on behalf of the carriers, to develop and circulate, pursuant to the requirements of Section 756.115, a Request-for-Proposal (RFP) for the provision of the relay system;
- d) Direct the ITAC, on behalf of the carriers, to establish a system provider selection procedure pursuant to the requirements of Section 756.115;
- e) Direct the ITAC, on behalf of the carriers, to contract, pursuant to Section 756.120, with a system provider for the provision of the relay system;
- f) Bill and collect charges for relay-assisted calls pursuant to the requirements of Sections 756.125(a) and 756.220; and
- g) Retain individual and collective responsibility for ensuring the provision and maintenance of the relay service consistent with the standards set forth in this Part.

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

Section 756.110 Publicity Concerning Relay Service

- a) Telecommunications carriers or ITAC, on their behalf, LEC's shall publicize the relay service to increase awareness of the availability and use of all forms of TRS offered in Illinois. Efforts to educate the public about TRS should extend to all segments of the public, including individuals who are hard of hearing or speech disabled and senior citizens, as well as members of the general population.
Publicity shall include, at a minimum:
 - 1) Annual bill inserts and notices published in the directories;
 - 2) Placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY ~~TT~~-numbers in telephone directories;

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- 3) Notification, at least annually, ~~Written notification~~ to conventional news media such as daily, weekly, ~~or and~~ monthly newspapers newspaper or magazines, ~~and the news departments of~~ television ~~or and~~ radio stations, ~~electronic media, or other cost-effective means of communication~~;
 - 4) Written notification, at least annually, to organizations and to newsletters serving individuals with disabilities. Organizations and newsletters wishing to receive such notification must contact the ~~telecommunications carriers through ITAC LEC's~~ and place themselves on a relay service information service list; ~~and~~
 - 5) Written notification to designated offices of the ~~State of Illinois~~ social service agencies, as provided in 83 Ill. Adm. Code 755.110 ~~(b)(3); and (a)(4)~~.
 - 6) Ongoing education and outreach programs that publicize the availability of 7-1-1 access to TRS in a manner reasonably designed to reach the largest number of consumers possible.
- b) Relay service information publicized by the ~~telecommunications carriers or ITAC, on their behalf, LEC's~~ shall include ~~the items listed in this subsection. Each publication shall include all items whenever feasible and consistent with the purpose of the publicity.~~
- 1) Relay service access numbers;
 - 2) A description of the relay service functions offered, which shall include, at a minimum, those prescribed in Section 756.100;
 - 3) Statements of the full time availability of relay service; and
 - 4) Statements advising that for the quickest response, ~~TTY TT~~ users should directly contact their local 9-1-1 service in emergency situations, or appropriate local emergency agencies in areas where 9-1-1 is not in service, instead of employing the relay service to complete emergency calls, and explaining the process defined in Section 756.205(e) (as defined in 83 Ill. Adm. Code 725).

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

Section 756.115 RFP Selection Process

- a) The ITAC, on behalf of the carriers, shall develop and circulate to prospective system providers an RFP for the provision of the relay system through which telecommunications carriers LEC's shall provide the relay service mandated by Section 13-703(b) of the Act and this Part.
 - 1) The RFP shall require each respondent to submit a proposal for the design, configuration and supply of a statewide relay system meeting or exceeding

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the minimum specifications and standards prescribed in Sections 756.200, 756.205, 756.210 and 756.215.

- 2) The RFP shall require each respondent to supply, either through direct provision or through the securing of services and facilities provided by other entities, the following:
 - A) All relay center buildings, real estate, permits, rights-of-way or clearances necessary to operate the relay system as specified in this Part;
 - B) All telecommunications trunks, cables or lines connected to the relay center in order to receive or initiate telecommunications for the purposes of providing the relay system as specified in this Part;
 - C) All telecommunications or other facilities and equipment required in order to provide the relay system as specified in this Part;
 - D) All supplies, furniture or miscellaneous items required in order to provide the relay system as specified in this Part; and
 - E) All personnel and the training of such personnel required in order to staff and operate the relay system as specified in this Part.
- 3) The RFP shall state whether responses shall be based on a cost-plus-fee or a fixed-cost type contract.
- 4) Prior to circulating the RFP to prospective system providers, ITAC, on behalf of the carriers, shall file the RFP with the Commission for approval, providing copies to the Advisory Council and Staff Liaison on the file date.
 - A) The Advisory Council and Staff Liaison shall have the opportunity to file comments on the RFP within 20 business days following the file date of the RFP. The ITAC, on behalf of the carriers, shall be allowed to respond to the comments within 10 business days following the close of the comment period.
 - B) The Commission shall approve or disapprove the RFP for circulation to prospective system providers by ITAC, on behalf of the carriers, based upon the conformity of the RFP with the requirements of Section 13-703(b) of the Act and this Part.
 - C) If the Commission disapproves the RFP, the Commission shall:
 - i) Specify those aspects which do not conform to the specifications of this Part; and
 - ii) Direct ITAC, on behalf of the carriers, to revise the RFP in regard to those elements.
- 5) System provider proposals shall be evaluated on the following criteria:
 - A) The ability of a proposal to cost-effectively achieve the relay system requirements prescribed by this Part;

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- B) A bidder's abilities to fulfill the conditions of its proposal. The bidder shall be assessed according to its financial condition (e.g., net worth, cash flow, and ability to raise capital); technical, operational and managerial expertise; and past experience and level and quality of performance.
- C) A bidder's prior experience in providing relay services.
- 6) Each RFP will indicate a date, time, and place for prospective system providers to submit a bid or proposal. Responses received late shall not be considered.
- 7) All bids or proposals received prior to the time set for opening shall be opened in public at the date, time, and place specified in the RFP.
- b) Evaluation procedure
 - 1) Within two business days following the deadline for submission of proposals by all parties, the ITAC, on behalf of the carriers, shall file with the Commission and provide to the Advisory Council and Staff Liaison a copy of each bid or proposal with a sworn statement by the president, a vice-president or secretary of ITAC, on behalf of the carriers, stating that said proposals are complete records and that they were received by ITAC under seal which was not broken except as provided in subsection (a)(7);
 - 2) If, after evaluating all proposals, the ITAC Board determines that no proposals meet the requirements of Section 13-703(b) of the Act, this Part, or the RFP, the ITAC, on behalf of the carriers, shall file with the Commission notice of this determination and a report citing the specific deficiencies of each proposal in adequately fulfilling the requirements of Section 13-703(b) of the Act, this Part, or the RFP.
 - A) The Advisory Council and the Staff Liaison shall have the opportunity to file comments on this report within 20 business days of filing by ITAC, on behalf of the carriers. Comments in opposition to the ITAC, on behalf of the carriers, determination shall cite and defend that proposal which the commentator believes best meets or exceeds the requirements of Section 13-703(b) of the Act, this Part, and the RFP.
 - B) The ITAC Board shall have the opportunity to file a response to the comments within 10 business days of the close of the comment period.
 - C) Based upon the requirements of Section 13-703(b) of the Act, this Part, and the RFP, the Commission shall either:
 - i) approve the ITAC determination and direct ITAC to develop and issue a new RFP according to the requirements of this Part, or to reissue its prior RFP, or to request any or

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- all bidders to supplement their proposals to conform to the RFP; or
- ii) deny the ITAC determination and specify a proposal which the ITAC shall be directed to accept.

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

Section 756.120 System Provider Interactions

- a) Upon Commission approval and ITAC acceptance of a proposal, the ITAC and the selected respondent shall draft a contract in which each telecommunications carrier LEC shall ~~approve and~~ concur ~~in~~ as a party. The terms of the contract shall be consistent with the conditions of the proposal. This contract shall be filed with the Commission by a petition pursuant to 83 Ill. Adm. Code 200 and shall take effect only upon Commission approval. The Commission shall approve the contract if it is consistent with the specifications of Section 13-703(b) of the Act, this Part, the RFP, and the selected proposal.
- b) Upon Commission approval of the contract, the selected respondent shall be designated as the system provider.
- c) In addition to the provisions of subsection (a) ~~above~~, the following general conditions shall apply to the contract between ITAC, on behalf of the carriers, and the system provider:
- 1) The system provider shall comply with the reporting requirements in Section 756.215.
 - 2) The ITAC, on behalf of the carriers, ~~and the LEC's~~ shall perform a yearly evaluation of the system provider's operations to determine compliance with the contract. The system provider shall be required to address any reported service deficiencies.
 - 3) The contract shall state the terms under which it may be amended.
 - 4) The contract shall state the terms under which it may be unilaterally terminated by ITAC or the system provider.
- e) ~~At least 14 months prior to the termination of an approved contract, ITAC, on behalf of the carriers, shall file a new RFP with the Commission pursuant to Section 756.115, for the provision of a relay system.~~
- e) ~~If the system provider is not an LEC, and the system provider has proposed a relay system which requires the system provider to employ tariffed LEC services or facilities, the system provider shall purchase those services or facilities at the appropriate tariffed rates. If the system provider employs LEC local access lines in any phase of completing relay-assisted calls, the LEC will bill the system provider for those access lines at the business service rate.~~

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

Section 756.125 Filing Requirements

In addition to the filing requirements prescribed in other Sections of this Part, the following filing requirements shall apply:

- a) Each telecommunications carrier LEC shall file a tariff:
 - 1) Providing a description of the relay service functions offered, that shall include, at a minimum, those mandated in Section 756.100; and
 - 2) Setting forth the basis for rates that which shall be charged for relay-assisted calls.
 - A) Local TRS payphone calls shall be free.
 - B) TRS users shall not be charged for local calls placed or received through the relay system. For calls other than local calls, TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination. A relay-assisted call shall be billed according to the rate(s) which would otherwise have applied if the call had been dialed directly from the originating point to the terminating point on the day, time, and duration of the actual call.
 - B) If the relay-assisted call is to be processed other than on a direct dial basis, the appropriate operator handled surcharges shall apply, in addition to the customer direct dial charge as specified in the tariff.
 - C) Any discounts which would apply to a direct call between the originating and terminating points on the same day, time and duration of the relay-assisted call, shall be applied to the charges billed for the relay-assisted call.
 - D) Access via the 7-1-1 dialing code to all relay services shall be toll free.
- b) Each IXC shall file a tariff setting forth the basis for rates which shall be charged for relay-assisted calls which originate and terminate in different exchanges and which if dialed directly without intervention by the relay service would have been transmitted by an IXC.
 - 1) TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination. A relay-assisted call shall be billed

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- ~~according to the rate(s) which would otherwise have applied if the call had been dialed directly from the originating point to the terminating point on the day, time, and duration of the actual call.~~
- 2) ~~Access via the 7-1-1 dialing code to all relay services shall be toll free. If the relay-assisted call is to be processed other than on a direct dial basis, the appropriate operator handled surcharges shall apply, in addition to the customer direct dial charge as specified in the tariff.~~
 - 3) Any discounts ~~that which~~ would apply to a direct call between the originating and terminating points on the same day, time and duration of the relay-assisted call shall be applied to the charges billed for the relay-assisted call.
- c) The ITAC, on behalf of the carriers, shall file an annual report with the Commission (to be filed no later than April 30 of each year) ~~that which~~ shall contain the following information:
- 1) Updates on administration procedures for the relay service;
 - 2) A description of program activities of the past year;
 - 3) A description and brief evaluation of program effectiveness; and
 - 4) As an appendix, the annual report provided by the system provider to the ITAC per the requirement of Section 756.215.

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

SUBPART C: RELAY SERVICE PROGRAM STANDARDS AND SPECIFICATIONS

Section 756.205 Relay Service Operations and Specifications

- a) ~~TRS Relay service~~ as described in Section ~~756.100(a)~~ ~~756.100~~ shall operate at all times be provided via a relay system operating at all times (24 hours a day, 7 days a week, 52 weeks a year) for all Illinois exchanges. Relay services that are not mandated as described in Section 756.100(b) by the FCC need not be provided at all times.
- b) ~~TRS Relay service~~ shall have ~~adequate~~ redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.
- c) ~~TRS The relay system~~ shall be ~~initially~~ designed to handle on a statewide basis the current calling volume, 50,000 calls per month, with capabilities to alter the expand the initially established facilities to handle the projected volume of calls, 200,000 calls per month.
- d) At a minimum, TRS The relay system shall be accessed by callers via the 7-1-1 dialing code and a toll-free telephone number-number(s). The same toll-free

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- telephone number shall be available to the Illinois relay system regardless of the relay system provider. Callers shall be required to dial (enter) no more than 11 digits in order to access the relay system.
- e) TRS shall have a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to an appropriate PSAP. An appropriate PSAP is the designated PSAP to which a direct call from the particular number would be delivered. In addition, a CA must pass along the caller's telephone number to the PSAP when a caller disconnects before being connected to emergency services.
- f) TRS users shall have access to their chosen interexchange carrier through the TRS and to all other operator services, to the same extent that access is provided to standard telephone users.
- g) TRS shall transmit conversations between TTY and voice callers in real time. The relay service shall accept calls that can be dialed directly by a CA at the request of the originating caller. Specifically, the CA shall accept and complete TRS calls with the ability to transliterate text messages to voice and voice messages to text.
- h)e) TRS ~~The relay system~~ shall ensure include adequate TRS facility staffing to provide callers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience, as defined in 83 Ill. Adm. Code Part 730.520, in attempting to reach a party through the voice telephone network.
- i)f) TRS facilities ~~The relay system~~ shall, except during network failure, answer 85% of all calls within 10 seconds by any method that results in the caller's call immediately being placed, not put in a queue or on hold. The 10 seconds begins at the time the call is delivered to the TRS facility's network. The call is considered delivered when the TRS facility's equipment accepts the call from the local telecommunications carrier and the public switched network actually delivers the call to the TRS center. Abandoned calls shall be included in the speed-of-answer calculation. A TRS provider's compliance with this subsection shall be measured on a daily basis. The system shall be designed to a P.01 standard. A telecommunications carrier shall provide the call attempt rates and the rates of calls blocked between the telecommunications carrier and the TRS facility to relay administrators and the TRS providers upon request. and no more than 30 seconds shall elapse between receipt of dialing information and the dialing of the requested number.
- g) ~~The relay system shall receive and transmit TT signals in either Baudot or ASCII codes, according to the preference of the originator or recipient of a TT call. The relay center(s) equipment shall be designed with capabilities to automatically identify incoming TT signals as either Baudot or ASCII transmissions and to~~

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~~adjust transmissions from the relay center to the code employed by the incoming TTY signal.~~

- ~~h) The relay center(s) shall create for each relay-assisted call an Extended Message Record (EMR). The record shall contain, at a minimum, the following information:~~
- ~~1) Telephone number or credit card number to be billed—NPA-Prefix-Line Number;~~
 - ~~2) Terminating Telephone Number—NPA-Prefix-Line Number;~~
 - ~~3) Originating Telephone Number—NPA-Prefix-Line Number;~~
 - ~~4) Date;~~
 - ~~5) Start time; and~~
 - ~~6) End time.~~
- ~~i) The system provider shall forward the EMR for each call to the appropriate LEC within fourteen days of the date such service was supplied, and billing shall take place by the next appropriate billing period.~~
- ~~j) Consistent with the obligations of telecommunications carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services. The system provider shall process all single or sequential calls and will not limit the duration of calls made through the relay system.~~
- ~~k) TRS shall be capable of handling any type of call normally provided by carriers unless the FCC determines that it is not technologically feasible to do so. Relay service providers have the burden of proving the infeasibility of handling any type of call. The system provider shall provide as standard features both VCO and HCO technology.~~
- ~~l) CAs must alert the TRS user to the presence of a recorded message and interactive menu through a hot key on the CA's terminal. The hot key will send text from the CA to the consumer's TTY indicating that a recording or interactive menu has been encountered. Relay providers shall electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for additional calls, which must be made by the relay user in order to complete calls involving recorded or interactive messages.~~
- ~~m) TRS shall be capable of handling pay-per-call calls.~~
- ~~n)h) The system provider shall be permitted to decline to complete a call because credit authorization is denied.~~
- ~~o)m) A TRS facility shall ensure that adequate Adequate-network facilities shall be used in conjunction with TRS outgoing relay service calls so that, under projected calling volume, the probability of a busy response due to loop or-trunk congestion congestions shall be functionally equivalent to what a voice caller would experience, as defined in 83 Ill. Adm. Code 730.520, in attempting to reach a party through the voice telephone network.~~

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- p) TRS facilities are permitted to use SS7 technology or any other type of similar technology to enhance the functional equivalency and quality of TRS. TRS facilities that utilize SS7 technology are independently subject to the Calling Party Telephone Number rules set forth at 47 CFR 64.1600 to 64.1604.
- q) When a TRS facility is able to transmit any calling party identifying information to the public network, the TRS facility must pass through, to the called party, at least one of the following: the number of the TRS facility, 7-1-1, or the 10-digit number of the calling party.

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

Section 756.210 Communications Assistant Standards

- a) TRS providers are responsible for requiring that all CAs Before the relay system begins operation and subsequent to commencing operations, each CA shall be sufficiently trained to effectively meet be familiar with the specialized special communications needs of individuals persons with hearing and speech disabilities who employ the use of a TF. The system provider may shall request such training from organizations with prior experience in the provision of services to persons with disabilities. In addition, each CA shall have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. CAs must possess clear and articulate voice communications. CAs must provide a typing speed of a minimum of 60 words per minute. Technological aids may be used to reach the required typing speed. Providers must give oral-to-type tests of CA speed. TRS providers are responsible for requiring that VRS CAs are qualified interpreters.
- b) CAs are prohibited from disclosing the content of any relayed conversation regardless of content and, with a limited exception for STS CAs, from keeping records of the content of any conversation beyond the duration of a call. CA's shall keep all communicated information strictly confidential, except as otherwise required or permitted by law.
- 1) Except for purposes of billing calls and as otherwise required or permitted by law, CAs CA's shall not reveal information about any call, including the fact that the call occurred.
 - 2) At the request of the user, STS CAs may retain information from a particular call in order to facilitate the completion of consecutive calls. The caller may request the STS CA to retain such information, or the CA may ask the caller if he wants the CA to repeat the same information during subsequent calls. The CA may retain the information only for as long as it takes to complete the subsequent calls.

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- 3) Appropriate measures must be taken by relay providers to ensure that confidentiality of VRS users is maintained.
- 4)2) When training new CAs ~~CA's~~ by the method of sharing past experiences, the trainers shall not reveal any of the following information:
- A) Names, genders, or ages of the parties to the call;
 - B) Originating or terminating points of call; and
 - C) Specifics of the information conveyed in the call.
- c) CAs are prohibited from altering ~~CA's shall not intentionally alter~~ a relayed conversation and, to the extent that it is not inconsistent with federal, State, or local law regarding the use of telecommunications carrier facilities for illegal purposes, must relay all conversations verbatim unless the relay user specifically requests summarization, or the user requests interpretation of an ASL call. An STS CA may facilitate the call of an STS user with a speech disability so long as the CA does not interfere with the independence of the user, the user maintains control of the conversation, and the user does not object.
- d) CAs ~~CA's~~ shall not counsel, advise or interject personal opinions or additional information into any communication which they are translating.
- e) ~~If requested by the originating caller, CA's shall attempt to complete calls 3 times, consecutively, without delay when receiving busy signals.~~
- e)f) Any paper printouts made at a relay center of communications conducted over the relay service shall be destroyed at the completion of the call except as otherwise required or permitted by law.
- f)g) No CA shall disconnect a call against the wishes of the originating and terminating parties without first obtaining the permission of the CA's supervisor. In the instance that a call is terminated, the supervisor shall log the reason for the termination and sign the log. The supervisor shall authorize such disconnections only in instances in which the caller is abusive to or intentionally uncooperative with the CA.
- g)h) All CA calls shall be carefully supervised. Disconnects shall be made promptly at the end of each call.
- i) ~~Upon receiving an emergency call from a TT user, a CA shall attempt to complete the call to a Public Safety Answering Point number which the caller supplied and which can be directly accessed by the CA.~~
- h) CAs answering and placing a TTY-based TRS or VRS call must stay with the call for a minimum of 10 minutes. CAs answering and placing an STS call must stay with the call for a minimum of 15 minutes.
- i) TRS providers must make best efforts to accommodate a TRS user's requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA.

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- j) Relay providers must offer STS users the option to maintain at the relay center a list of names and telephone numbers that the STS user calls. When the STS user requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new STS provider.

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

Section 756.215 System Provider Reporting Requirements

- a) The system provider shall maintain its records of relay service operations so as to permit review and determination of relay service results. Such records shall be made available during normal business hours for inspection by an individual telecommunications carrier-LEC, the ITAC, the Commission, the Advisory Council, or the Staff Liaison.
- b) The system provider shall perform traffic studies and maintain records to the extent and frequency necessary to determine that the requirements of this Part and the contract are being met.
- c) The system provider shall provide to the ITAC an annual report of operations, traffic patterns and accounting details of the relay system. The annual report shall be submitted to ITAC no later than February 28 of each year.
- d) The ITAC, on behalf of the carriers, is and each-LEC is obligated to review the relay system operations in order to assure the furnishing of service in accordance with the standards set forth in this Part.

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

Section 756.220 Relay Service Billing and Collection Procedures

- a) ~~Upon receipt of an EMR from the system provider, each LEC shall:~~
- ~~1) Calculate the charges for each call pursuant to the tariff specifications of Section 756.125(a);~~
 - ~~2) Credit the amount of the charge for each call to an account for remittance to ITAC at the end of the period; and~~
 - ~~3) Post the amount of the charge for each call to the appropriate customer account for billing.~~
- b) ~~For relay-assisted calls which originate and terminate in the same local calling area which receives LEC service on a "flat rate" basis or which receives LEC service on a "local measured service" basis where customers are allowed an amount of unbilled usage, each LEC shall:~~

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- 1) ~~Determine on a monthly basis the actual number of these calls placed through the relay system by the LEC's customers;~~
 - 2) ~~Perform a separate study to determine the amount of usage revenue associated with all local calls (i.e., revenue associated with calls in excess of a monthly call allowance) on a per call basis;~~
 - 3) ~~Apply this revenue per call figure to the number of calls which originate and terminate in the same local calling area, and which are placed through the relay system by the LEC's customers; and~~
 - 4) ~~Post the resultant revenue to an account for remittance to ITAC at the end of the period.~~
- a)e) Any disputes or customer refusals to pay charges assessed for relay-assisted calls shall be governed by Section 756.15.
- b)d) Uncollectible charges for relay-assisted calls shall be determined and treated the same as a telecommunications carrier's ~~an LEC's or such~~ IXC's other uncollectible charges.
- c)e) Nonpayment of charges for relay-assisted calls shall be treated the same as nonpayment of other monthly charges collected from customers by telecommunications carriers ~~LEC's or IXCs such~~ IXC's.
- d) All billing for TRS shall comply with the requirements of Section 756.125(a) and (b).
- f) ~~Each LEC shall record the costs incurred in the billing and collection of relay-assisted calls. Each LEC shall report these costs to ITAC for direct reimbursement from the revenues generated pursuant to Section 13-703(e) of the Act.~~

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

Section 756.225 Relay Service Revenues

- a) Each telecommunications carrier ~~The LEC's~~ shall remit the revenues collected each month pursuant to Section 13-703(c) of the Act to ITAC.
- b) From those revenues the ITAC, on behalf of the carriers, shall pay the system provider for any fees or charges due under the contract specified in Section 756.120.
- c) The relay system provider shall credit ITAC monthly in an amount equal to the intrastate TRS toll revenues billed by the relay system provider. This credit will not include intrastate toll calls processed through any carrier of choice other than the system provider.
 - 1) ~~Reimburse the LEC's for costs incurred by the LEC's in the billing and collection of charges for relay-assisted calls;~~

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- ~~2) Reimburse the LEC's for any other costs directly incurred by the LEC through the provision of relay service, including:~~
- ~~A) Relay service publicity;~~
 - ~~B) Account and tax administration;~~
 - ~~C) Auditing and reporting;~~
 - ~~D) Taxes; and~~
 - ~~E) LEC staff assignments; and~~
- ~~3) Pay the system provider for any fees or charges due under the contract specified in Section 756.120.~~

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

SUBPART D: OVERSIGHT AND REVIEW

Section 756.300 Staff Liaison

- a) The Executive Director of the Illinois Commerce Commission shall appoint one Staff member to act as Staff Liaison to the programs required by Section 13-703 of the Act. The Staff Liaison shall serve as a contact person and advisor to the Advisory Council for the relay system program.
- b) The Staff Liaison shall maintain a log of consumer complaints about TRS and must retain the log until the next application for FCC certification is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution. Summaries of the logs must be submitted annually to the FCC and at the time of certification.
- c) The name of the Staff Liaison as contact person or office for TRS consumer information and complaints about intrastate TRS shall be submitted to the FCC. This submission must include, at a minimum, the name and address of the State office that receives complaints, grievances, inquiries and suggestions, voice and TTY telephone numbers, fax number, e-mail address, and physical address to which correspondence should be sent.
- d) The Staff Liaison shall be responsible for the compilation and coordination of the FCC filing for State relay certification or recertification. In addition, the Staff Liaison is responsible for coordination of the notification to the FCC of substantial changes in the State's TRS program within 60 days after the changes occur.

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

Section 756.305 Advisory Council Rights

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- a) The ITAC and the telecommunications carrier LEC shall serve one copy of all filings, reports, or other information pertaining to the relay service provided to the Commission on the chairperson of the Advisory Council.
- b) Upon the receipt of complaints concerning the relay service, the system provider, ITAC or the telecommunications carrier LEC staff shall inform the complainant that if the complainant remains dissatisfied in the complainant's dispute, the complainant may contact the Advisory Council. The system provider, ITAC, or the telecommunications carrier LEC staff shall provide the complainant with the name, telephone number and business address of ~~a~~ designated members member(s) of the Advisory Council and inform the recipient that the Advisory Council may be able to aid the complainant in the complainant's dispute.

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

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- 1) Heading of the Part: Infertility Coverage
- 2) Code Citation: 50 Ill Adm Code 2015
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2015.20	Amendment
2015.30	Amendment
2015.35	New Section
2015.40	Repeal
2015.43	New Section
2015.45	New Section
2015.50	Amendment
2015.60	Amendment
- 4) Statutory Authority: Implementing Section 356m of the Illinois Insurance Code, [215 ILCS 5/356m] and Section 5-3 of the Health Maintenance Organization Act, [215 ILCS 125/5-3] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) A Complete Description of the Subjects and Issues Involved: This regulation was promulgated 10 years ago and now requires revision to clarify the Department's regulatory intent. We will refine terms defined herein; clarify that the one year waiting period will be waived in certain circumstances; address both donor and surrogate expense and will be adding a benefit limitation Section to this Part.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

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Dennis Hamilton
Rules Unit Supervisor
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-8560

or

James C. Rundblom
Staff Attorney
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
217) 785-8559

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will not affect any new small business, small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: No new requirements are being imposed.
- C) Types of professional skills necessary for compliance: Administrative
- 13) Regulatory Agenda on which this rulemaking was summarized: July 1995

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2015
 INFERTILITY COVERAGE

Section	Purpose
2015.10	Purpose
2015.20	Applicability and Scope
2015.30	Definitions
<u>2015.35</u>	<u>Benefit Limitation/Oocyte Retrieval Limitation</u>
2015.40	Oocyte Retrieval Limitation (<u>Repealed</u>)
<u>2015.43</u>	<u>Donor Expenses</u>
<u>2015.45</u>	<u>Surrogates</u>
2015.50	Minimum Benefit Standards
2015.60	Permissible Exclusions

AUTHORITY: Implementing Section 356m of the Illinois Insurance Code [215 ILCS 5/356m] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 17 Ill. Reg. 8170, effective May 20, 1993; amended at 27 Ill. Reg. _____, effective _____.

Section 2015.20 Applicability and Scope

This Part shall apply to all group accident and health insurance policies and health maintenance organization group contracts that are issued, amended, delivered or renewed in this State on or after the effective date of this Part which provide pregnancy related benefits for employees of an employer which has more than 25 full-time employees at the time of issue or renewal thereof; ~~and which are issued, amended, delivered or renewed in this State on or after the effective date of this Part.~~

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

Section 2015.30 Definitions

Artificial Insemination (AI) means the introduction of sperm into a woman's vagina or uterus by noncoital methods, for the purpose of conception.

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Assisted Reproductive Technologies (ART) means treatments and/or procedures in which the human oocytes are retrieved and the human oocytes and/or embryos are manipulated in the laboratory. ART shall include prescription drug therapy used during the cycle where an oocyte retrieval is performed.

Embryo means a fertilized egg that has begun cell division and has completed the pre-embryonic stage.

Embryo Transfer means the placement of the pre-embryo into the uterus or, in the case of zygote intrafallopian tube transfer, into the fallopian tube.

Gamete means a reproductive cell. In a man, the gametes are sperm; in a woman, they are eggs or ova.

Gamete Intrafallopian Tube Transfer (GIFT) means the direct transfer of a sperm/egg mixture into the fallopian tube. Fertilization takes place inside the tube.

Infertility means the inability to conceive after one year of unprotected sexual intercourse or the inability to sustain a successful pregnancy. In the event a medical condition exists that renders conception impossible through unprotected sexual intercourse, including but not limited to congenital absence of the uterus or ovaries, absence of the uterus or ovaries due to surgical removal due to a medical condition, or involuntary sterilization due to chemotherapy or radiation treatments, the one year requirement shall be waived.

Infertility means the inability to conceive after one year of unprotected sexual intercourse or the inability to sustain a successful pregnancy. Section 356m(c) of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 968m) [215 ILCS 5/356m(c)].

Infertility Coverage means insurance or health maintenance organization coverage required by Section 356m of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 968m) [215 ILCS 5/356m] for the diagnosis and treatment, including prescription drug therapy, of infertility.

In Vitro Fertilization (IVF) means a process in which an egg and sperm are combined in a laboratory dish where fertilization occurs. The fertilized and dividing egg is transferred into the woman's uterus.

Low Tubal Ovum Transfer means the procedure in which oocytes are transferred

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past a blocked or damaged section of the fallopian tube to an area closer to the uterus.

Oocyte means the female egg or ovum, formed in an ovary.

Oocyte Retrieval means the procedure by which eggs are obtained by inserting a needle into the ovarian follicle and removing the fluid and the egg by suction. Also called ova aspiration.

Pregnancy Related Benefit means benefits that cover any related medical condition that may be associated with pregnancy, including complications of pregnancy.

Unprotected Sexual Intercourse means sexual union between a male and a female, without the use of any process, device or method that prevents conception, including but not limited to oral contraceptives, chemicals, physical or barrier contraceptives, natural abstinence or voluntary permanent surgical procedures.

Uterine Embryo Lavage means a procedure by which the uterus is flushed to recover a preimplantation embryo.

Zygote means a fertilized egg before cell division begins.

Zygote Intrafallopian Tube Transfer (ZIFT) means a procedure by which an egg is fertilized in vitro and the zygote is transferred to the fallopian tube at the pronuclear stage before cell division takes place. The eggs are harvested and fertilized on one day and the embryo is transferred at a later time.

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

Section 2015.35 Benefit Limitation/Oocyte Retrieval Limitation

- a) For treatments that include oocyte retrievals, coverage for such treatments shall be required only if the covered individual has been unable to attain or sustain a successful pregnancy through reasonable, less costly medically appropriate infertility treatments. This requirement shall be waived in the event that the covered individual or partner has a medical condition that renders such treatment useless.
- b) For treatments that include oocyte retrievals, coverage for such treatments is not required if the covered individual has already undergone four completed oocyte

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retrievals, per lifetime of that individual, for treatment of infertility, regardless of the source of payment.

- 1) Following the final completed oocyte retrieval for which coverage is available, coverage for one ART shall be provided.
 - 2) If a live birth follows a completed oocyte retrieval, then coverage shall be required for a maximum of two additional completed oocyte retrievals.
 - 3) The maximum number of completed oocyte retrievals that shall be eligible for coverage is six.
- c) When the maximum number of completed oocyte retrievals has been achieved, infertility benefits required under this Part shall be exhausted.

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

Section 2015.40 Oocyte Retrieval Limitation (Repealed)

~~For treatments that include oocyte retrievals, coverage for such treatments is not required if the covered individual has already received four completed oocyte retrievals, per lifetime of said individual; except that if a live birth follows a completed oocyte retrieval, then coverage is required for two additional completed oocyte retrievals.~~

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

Section 2015.43 Donor Expenses

- a) The medical expenses of an egg (oocyte) or sperm donor shall be covered, including but not limited to physical examination, laboratory screening, psychological screening, prescription drugs, the procedure utilized to retrieve the eggs or sperm, and the subsequent procedure used to transfer the oocytes or sperm to the covered recipient.
- b) No group accident and health policy or health maintenance organization group contract which provides coverage as required by this Part shall exclude coverage for a known donor. In the event the insured or member does not have arrangements with a known donor, the health plan may require the use of a contracted facility. If the insured or member uses a known donor, the health plan may require the use of contracted providers by the donor for all medical treatment including, but not limited to, testing, prescription drug therapy and ART procedures, if benefits are contingent upon the use of such contracted providers.
- c) If an oocyte donor is used, then the completed oocyte retrieval performed on the donor shall count against the insured or member as one completed oocyte retrieval.

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

Section 2015.45 Surrogates

Medical services rendered to a surrogate for purposes of impregnation shall be covered, including, but not limited to, laboratory testing, psychological testing, prescription drug therapy, artificial insemination and ART procedures.

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

Section 2015.50 Minimum Benefit Standards

- a) ~~A unique copayment or deductible shall not be applied to coverage for ART or for prescription drug therapy used in conjunction with ART;~~
- b) All diagnosis and treatment for ~~the disease~~ infertility, including ART, shall be covered the same as any other illness or condition under the contract. A unique copayment or deductible shall not be applied to the coverage for infertility, including, but not limited to, ART or prescription drug therapy. If the policy or contract does not contain a prescription drug benefit, then one shall be established for infertility.

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

Section 2015.60 Permissible Exclusions

- a) Reversal of voluntary sterilization; however, in the event a voluntary sterilization is successfully reversed, infertility benefits shall be available if the covered individual meets the definition of "infertility" as set forth in Section 2015.30 of this Part.
- b) Payment for medical services rendered to a surrogate for purposes of child birth, including, but not limited to, prenatal care and delivery of the baby;
- c) Costs associated with cryo preservation and storage of sperm, eggs, and embryos; provided, however, subsequent procedures of a medical nature necessary to make use of the cryo preserved substance shall not be similarly excluded if deemed non-experimental and non-investigational;
- d) Selected termination of an embryo; provided, however, that where the life of the mother would be in danger were all embryos to be carried to full term, said termination shall be covered;
- e) Non-medical costs of an egg or sperm donor;
- f) Travel costs for travel within ~~one hundred (100)~~ miles of the members' home

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address as filed with the insurer or health maintenance organization, travel costs not medically necessary, not mandated or required by the insurer or health maintenance organization;

- g) Infertility treatments deemed experimental in nature. However, where infertility treatment includes elements which are not experimental in nature along with those which are, to the extent services may be delineated and separately charged, those services which are not experimental in nature shall be covered. No insurer or HMO required to provide infertility coverage shall deny reimbursement for an infertility service or procedure on the basis that such service or procedure is deemed experimental or investigational unless supported by the written determination of the American Society for Reproductive Medicine (formerly known as the American Fertility Society or the American College of Obstetrics). These entities will provide such determinations for specific procedures or treatments only and will not provide determinations on the appropriateness of a procedure or treatment for a specific individual. Coverage is required for all procedures specifically listed in Section 356m of the Illinois Insurance Code, entitled Infertility Coverage (~~Ill. Rev. Stat. 1991, ch. 73, par. 968m~~) [215 ILCS 5/356m], regardless of experimental status:-
- h) Infertility treatments rendered to minor dependents.

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

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 950

DOG TRAINING ON DEPARTMENT-OWNED OR -MANAGED SITES

Section

950.10	Statewide Regulations
950.20	Definitions
950.30	Permit Requirements
950.40	Dog Training Seasons and Regulations
950.50	Dog Training Regulations (Repealed)
950.60	Penalties, Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].

SOURCE: Amendment filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10652; Part repealed, new Part adopted at 12 Ill. Reg. 1808, effective December 31, 1987; amended at 14 Ill. Reg. 13524, effective August 10, 1990; amended at 15 Ill. Reg. 11581, effective August 2, 1991; amended at 16 Ill. Reg. 11034, effective June 30, 1992; amended at 17 Ill. Reg. 13447, effective July 30, 1993; amended at 19 Ill. Reg. 11780, effective August 3, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. 8392, effective July 7, 1999; emergency amendment at 24 Ill. Reg. 14069, effective September 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 19184, effective December 18, 2000; amended at 26 Ill. Reg. 13882, effective September 5, 2002; amended at 27 Ill. Reg. _____, effective _____.

Section 950.40 Dog Training Seasons and Regulations

- a) Dog training is prohibited on Department sites except in designated areas.
- b) The use of horses for dog training purposes is prohibited except at the sites designated by (1).
- c) Only handguns and shotguns with blank cartridges shall be used on Department sites except shotguns with shot shells may be used only for shoot-to-retrieve training using domestic pigeons and/or captive-reared ring-necked pheasants, bobwhite quail, chukar partridge, and mallard ducks at the sites designated by (2).
 - 1) Only shot shells with a shot size of No. 6 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 5 bismuth, No. 4 steel or tin, or smaller shall be used for shoot-to-retrieve dog training.

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- 2) Individuals participating in shoot-to-retrieve dog training are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches.
- 3) Individuals participating in shoot-to-retrieve dog training are required to wear a back patch issued at the site headquarters on the outside of the upper outer blaze orange garment.
- d) Dog training at the following sites will be open from September 1-March 31, except closed during site upland game season; additional exceptions in parenthesis:

Carlyle Lake Lands and Waters

Clinton Lake State Recreation Area

Edward R. Madigan State Park

Eldon Hazlet State Park (January 1-March 31, except north of Allen Branch open per statewide regulations)

Hamilton County Conservation Area

Hidden Springs State Forest

Horseshoe Lake State Park (closed during dove and archery deer seasons, except training is permitted on Mondays and Tuesdays during the controlled pheasant hunting season)

Horseshoe Lake State Park – Gabaret, Mosenthein, Chouteau Island Unit

I-24 State Habitat Area (area south and west of I-24 open only from October 1-March 31)

Iroquois County Wildlife Management Area

Jim Edgar Panther Creek State Fish and Wildlife Area (water dog training only is open all year; during the Controlled Pheasant Hunting Season, training is permitted on Mondays and Tuesdays on the Controlled Pheasant Hunting Unit only)

Kankakee River State Park

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Kaskaskia River State Fish and Wildlife Area (water dog training only is open all year) (1)

Kickapoo State Park (1)

Lake Shelbyville – Eagle Creek State Park

Lake Shelbyville – Eagle Creek Wildlife Management Area

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area

Marseilles State Fish and Wildlife Area (closed Friday, Saturday, and Sunday during September, October and March)

Middle Fork Fish and Wildlife Management Area (1)

Peabody River King State Fish and Wildlife Area (West and South Subunits only; water dog training only is open all year)

Saline County Conservation Area

Sam Parr State Park

Sand Ridge State Forest (during the Controlled Pheasant season, training is permitted on Mondays and Tuesdays) (1)

Sangchris Lake State Park (water dog training is open all year)

Shabbona Lake State Park (closed during archery deer season)

Silver Springs State Fish and Wildlife Area

Stephen A. Forbes State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area

Trail of Tears State Forest

Washington County Conservation Area

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Weinberg-King State Park (1)

e) Dog training at the following sites will be allowed throughout the year

Banner Marsh Fish and Wildlife Area (closed 7 days before through end of waterfowl season)

Des Plaines Conservation Area (closed during site's upland game season)
(1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Randolph County Conservation Area

Rock Cut State Park

Snakeden Hollow State Fish and Wildlife Area (closed October 1 through the Central Zone Goose Hunting Season)

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

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- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 309
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
309.10	Amend
309.108	Amend
309.112	Amend
309.113	Amend
309.114	Amend
309.119	Amend
309.120	Add
309.143	Amend
309.146	Amend
- 4) Statutory Authority: 415 ILCS 5/5, 13, 13.3, and 27.
- 5) A Complete Description of the Subjects and Issues Involved:

A more complete description of this proposal may be found in the Board's opinion and order of September 4, 2003 in R03-19. On January 13, 2003, the Environmental Law and Policy Center of the Midwest, Illinois Chapter of the Sierra Club, Prairie Rivers Network, and 225 citizen petitioners filed a proposal for rulemaking with the Board. Two hearings were held in Chicago on March 17, 2003, and in Springfield on April 2, 2003. The Board's first notice proposal is based on the proposal filed by various environmental groups and citizens. The purpose of this rulemaking is to clarify rules for issuance of National Pollutant Discharge Elimination System (NPDES) permits by the Illinois Environmental Protection Agency (IEPA) pursuant to the Clean Water Act (33 USC §1251 *et seq.*), including provisions for public participation. The Board's first notice proposal codifies the IEPA's existing practice when reviewing and issuing NPDES permits, requires additional information in NPDES permit fact sheets prepared for the public by IEPA, identifies when the public comment period can be reopened, requires control of pollutants and pollutant parameters that may potentially violate water quality standards, and requires reports adequate to determine compliance with monitoring requirements.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Does this proposed amendment, contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (1992)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R03-19 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Questions regarding this proposal may be directed Marie Tipsord at 312-814-4925.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This will affect owners and operators of any facility that must apply for and receive an NPDES permit in Illinois.
- 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: July 2003

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 309
PERMITS

SUBPART A: NPDES PERMITS

Section	
309.101	Preamble
309.102	NPDES Permit Required
309.103	Application – General
309.104	Renewal
309.105	Authority to Deny NPDES Permits
309.106	Access to Facilities and Further Information
309.107	Distribution of Applications
309.108	Tentative Determination and Draft Permit
309.109	Public Notice
309.110	Contents of Public Notice of Application
309.111	Combined Notices
309.112	Agency Action After Comment Period
309.113	Fact Sheets
309.114	Notice to Other Governmental Agencies
309.115	Public Hearings on NPDES Permit Applications
309.116	Notice of Agency Hearing
309.117	Agency Hearing
309.118	Agency Hearing File
309.119	Agency Action After Hearing
<u>309.120</u>	<u>Reopening the Record to Receive Additional Written Comment</u>
309.141	Terms and Conditions of NPDES Permits
309.142	Water Quality Standards and Waste Load Allocation
309.143	Effluent Limitations
309.144	Federal New Source Standards of Performance
309.145	Duration of Permits
309.146	Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements
309.147	Authority to Apply Entry and Inspection Requirements
309.148	Schedules of Compliance
309.149	Authority to Require Notice of Introduction of Pollutants into Publicly Owned

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	Treatment Works
309.150	Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act
309.151	Maintenance and Equipment
309.152	Toxic Pollutants
309.153	Deep Well Disposal of Pollutants (Repealed)
309.154	Authorization to Construct
309.155	Sewage Sludge Disposal
309.156	Total Dissolved Solids Reporting and Monitoring
309.157	Permit Limits for Total Metals
309.181	Appeal of Final Agency Action on a Permit Application
309.182	Authority to Modify, Suspend or Revoke Permits
309.183	Revision of Schedule of Compliance
309.184	Permit Modification Pursuant to Variance
309.185	Public Access to Information
309.191	Effective Date

SUBPART B: OTHER PERMITS

Section	
309.201	Preamble
309.202	Construction Permits
309.203	Operating Permits; New or Modified Sources
309.204	Operating Permits; Existing Sources
309.205	Joint Construction and Operating Permits
309.206	Experimental Permits
309.207	Former Permits (Repealed)
309.208	Permits for Sites Receiving Sludge for Land Application
309.221	Applications – Contents
309.222	Applications – Signatures and Authorizations
309.223	Applications – Registered or Certified Mail
309.224	Applications – Time to Apply
309.225	Applications – Filing and Final Action By Agency
309.241	Standards for Issuance
309.242	Duration of Permits Issued Under Subpart B
309.243	Conditions
309.244	Appeals from Conditions in Permits
309.261	Permit No Defense
309.262	Design, Operation and Maintenance Criteria
309.263	Modification of Permits

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NOTICE OF PROPOSED AMENDMENTS

309.264	Permit Revocation
309.265	Approval of Federal Permits
309.266	Procedures
309.281	Effective Date
309.282	Severability

309.APPENDIX A References to Previous Rules

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

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 Ill. Reg. 34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495, effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2892, effective February 13, 1990; amended in R91-5 at 16 Ill. Reg. 7339, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5526, effective April 1, 1996; amended in R99-8 at 23 Ill. Reg. 11287, effective August 26, 1999; amended in R02-11 at 27 Ill. Reg. 202, effective December 20, 2002; amended in R03-19 at 27 Ill. Reg. _____, effective _____.

SUBPART A: NPDES PERMITS

Section 309.107 Distribution of Applications

When the Agency determines that an application for an NPDES Permit is complete, it shall:

- a) Unless otherwise agreed, send a copy of the application to the District Engineer of the appropriate district of the U.S. Corps of Engineers with a letter requesting that the District Engineer provide, within 30 days or as otherwise stated in the Agency's letter, his evaluation of the impact of the discharge on anchorage and navigation. If the District Engineer responds that anchorage and navigation of any of the navigation waters would be substantially impaired by the granting of a permit, the permit will be denied and the Agency shall notify the applicant. If the District Engineer informs the Agency that the imposition of specified conditions upon the NPDES Permit is necessary to avoid any substantial impairment of any of the navigable waters, the Agency shall include in the permit those conditions

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- specified by the District Engineer.
- b) Send two copies of the application to the Regional Administrator of the U.S. Environmental Protection Agency with a letter stating that the application is complete.
 - c) Notify the Illinois Department of Natural Resources (IDNR), subject to any memorandum of agreement between the Agency and the IDNR.

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

Section 309.108 Tentative Determination and Draft Permit

Following the receipt of a complete application for an NPDES Permit, the Agency shall prepare a tentative determination. Such determination shall include at least the following:

- a) A Statement regarding whether an NPDES Permit is to be issued or denied; and
- b) If the determination is to issue the permit, a draft permit containing:
 - 1) Proposed effluent limitations, consistent with federal and state requirements;
 - 2) A proposed schedule of compliance, if the applicant is not in compliance with applicable requirements, including interim dates and requirements consistent with the CWA and applicable regulations, for meeting the proposed effluent limitations;
 - 3) A brief description of any other proposed special conditions which will have a significant impact upon the discharge.
- c) A brief description statement of the basis for each of the permit conditions listed in Section 309.108(b), including a brief description of any mixing zones, how the conditions of the draft permit were derived, and the statutory or regulatory provisions and appropriate supporting references.
- d) Upon tentative determination to issue or deny an NPDES Permit:
 - 1) If the determination is to issue the permit the Agency shall notify the applicant in writing of the content of the tentative determination and draft permit and of its intent to circulate public notice of issuance in accordance with Sections 309.108 through 309.112;
 - 2) If the determination is to deny the permit, the Agency shall notify the applicant in writing of the tentative determination and of its intent to circulate public notice of denial, in accordance with Sections 309.108 through 309.112. In the case of denial, notice to the applicant shall include a statement of the reasons for denial, as required by Section 39(a) of the Act.
- e) For the purposes of Title X of the Act [415 ILCS 5/Title X], the documents supporting the Agency's tentative decision to issue or deny an NPDES permit

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under this Section shall be either identified in or made part of the Agency record.

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

Section 309.112 Agency Action After Comment Period

Subject to Section 309.120, if after the comment period provided, no public hearing is held with respect to the permit, the Agency shall, after evaluation of any comments which may have been received, either issue or deny the permit.

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

Section 309.113 Fact Sheets

- a) For every discharge which has a total volume of more than 500,000 gallons (1.9 megaliters) on any day of the year, the Agency shall prepare and, following public notice, shall send upon request to any person a fact sheet with respect to the application described in the public notice. The contents of such fact sheets shall include at least the following information:
- 1) A sketch or detailed description of the location of the discharge described in the application;
 - 2) A quantitative description of the discharge described in the application which includes at least the following:
 - A) The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;
 - B) For thermal discharges subject to limitation under the Act, the average monthly temperatures for the discharge;
 - C) The average daily mass discharged and average concentration in milligrams per liter, or other applicable units of measurement, of any contaminants which are present in significant quantities or which are subject to limitations or prohibitions under applicable provisions of the CWA or the Act or regulations adopted thereunder;
 - 3) The tentative determinations required under Section 309.108;
 - 4) A brief citation, including an identification of the uses for which the receiving waters have been classified, of the water quality standards and effluent standards and limitations applicable to the proposed discharge;
 - 5) and
In the case of modified and reissued permits, a summary of changes between the public noticed permit and the previous permit;

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- 6) Summary of the antidegradation analysis, including characterization of the receiving waters and the existing uses of the receiving waters;
- 7) A more detailed description of the procedures for the formulation of final determinations than that given in the public notice, including:
- A) The beginning and ending dates of the comment period and address where comments will be received;~~The 30-day comment period;~~
 - B) Procedures for requesting a public hearing and the nature thereof; and
 - C) Any other procedures by which the public may participate in the formulation of the final determination; ~~and-~~
- 8) Information on how to obtain the Agency record.
- b) The Agency shall add the name of any person or group, upon request, to a mailing list to receive copies of fact sheets.

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

Section 309.114 Notice to Other Governmental Agencies

At the time of issuance of public notice pursuant to Sections 309.109 through 309.112, the Agency shall:

- a) Send a fact sheet, if one has been prepared, to any other States whose waters may be affected by the issuance of the proposed permit and, upon request, provide such States with a copy of the application and a copy of the draft permit. Each affected State shall be afforded an opportunity to submit written recommendations within a stated number of days to the Agency and to the Regional Administrator of the U.S. Environmental Protection Agency, which the Agency may incorporate into the permit if issued. Should the Agency decline to incorporate any written recommendations thus received, it shall provide to the affected ~~state~~ State or ~~states~~ States (and to the Regional Administrator) a written explanation of its reasons for declining to accept any of the written recommendations.
- b) Following the procedure set forth in subsection (a) ~~above~~, notify and receive recommendations from any interstate agency having water quality control authority over waters which may be affected by the permit.
- c) Unless otherwise agreed, in accordance with 40 CFR 124.34(c), send a copy of the fact sheet, if one has been prepared, to the appropriate District Engineer of the Army Corps of Engineers for discharges (other than minor discharges) into navigable~~navigible~~ waters.
- d) Upon request, send a copy of the public notice and a copy of the fact sheet for NPDES Permit applications to any other Federal, state ~~State~~, or local agency, or

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any affected country, and provide such agencies an opportunity to respond, comment, or request a public hearing pursuant to Sections 309.115-309.119. Such agencies shall include at least the following:

- 1) The agency responsible for the preparation of an approved plan pursuant to Section 208(b) of the CWA; and
 - 2) The State or interstate agency responsible for the preparation of a plan pursuant to an approved continuous planning process under Section 303(e) of the CWA.
- e) Send notice to, and coordinate with, appropriate public health agencies for the purpose of assisting the applicant in integrating the relevant provisions of the CWA with any applicable requirements of such public health agencies.

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

Section 309.119 Agency Action After Hearing

Subject to Section 309.120, following~~Following~~ the public hearing, the Agency may make such modifications in the terms and conditions of proposed permits as may be appropriate and shall transmit to the Regional Administrator for his approval a copy of the permit proposed to be issued unless the Regional Administrator has waived his right to receive and review permits of its class. The Agency shall provide a notice of such transmission to the applicant, to any person who participates in the public hearing, to any person who requested a public hearing, and to appropriate persons on the mailing list established under Sections 309.109 through 309.112. Such notice shall briefly indicate any significant changes which were made from terms and conditions set forth in the draft permit. All permits become effective when issued unless a different date is specified in the permit.

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

Section 309.120 Reopening the Record to Receive Additional Written Comment

- a) The Agency shall order the public comment period reopened to receive additional written comments where the Agency significantly modifies the draft permit and the final permit is not a logical outgrowth of the proposed draft permit. In determining if the final permit is a logical outgrowth of the draft permit, the Agency shall consider the following:
- 1) Whether the interested parties could not have reasonably anticipated the final permit from the draft permit;
 - 2) Whether a new round of notice and comment would provide interested parties the first opportunity to offer comments on the issue;

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- 3) Whether the provisions in the final permit deviate sharply from the concepts included in the draft permit or suggested by the commenters; or
- 4) Whether the changes made in the final permit represent an attempt by the Agency to respond to suggestions made by commenters.
- b) The public notice of any comment period extended under this Section shall identify the issues as to which the public comment period is being reopened. Comments filed during the reopened period shall be limited to the substantial new issues that caused its reopening.
- c) For notification purposes, the Agency shall follow the public notice requirements of Section 309.109.

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

Section 309.143 Effluent Limitations

- a) Effluent limitations must control all pollutant or pollutant parameters (either conventional, nonconventional, or toxic pollutants) the Agency determines are, or may be, discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.
- b) In the application of effluent standards and limitations, water quality standards and other applicable requirements, the Agency shall, for each permit, specify average and maximum daily quantitative limitations for the level of pollutants in the authorized discharge in terms of weight (except pH, temperature, radiation, and any other pollutants not appropriately expressed by weight, and except for discharges whose constituents cannot be appropriately expressed by weight). The Agency may, in its discretion, in addition to specification of daily quantitative limitations by weight, specify other limitations, such as average or maximum concentration limits, for the level of pollutants in the authorized discharge. Effluent limitations for multiproduct operations shall provide for appropriate waste variations from such plants. Where a schedule of compliance is included as a condition in a permit, effluent limitations shall be included for the interim period as well as for the period following the final compliance date.

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

Section 309.146 Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements

- a) The Agency shall require every holder of an NPDES Permit, as a condition of the

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NPDES Permit issued to the holder, to

- 1) Establish, maintain and retain records;
 - 2) Make reports adequate to determine the compliance or lack of compliance with all effluent limits and special conditions in the permit;
 - 3) Install, calibrate, use and maintain monitoring equipment or methods (including where appropriate biological monitoring methods);
 - 4) Take samples of effluents (in accordance with such methods, at such locations, at such intervals, and in such a manner as may be prescribed; and
 - 5) Provide such other information as may reasonably be required.
- b) The Agency may require every holder of an NPDES Permit for a publicly owned and publicly regulated treatment works, as a condition of the NPDES Permit, to require industrial users of such a treatment works to:
- 1) Establish, maintain and retain records;
 - 2) Make reports;
 - 3) Install, calibrate, use and maintain monitoring equipment or methods (including where appropriate biological monitoring methods);
 - 4) Take samples of effluents (in accordance with such methods, at such locations, at such intervals, and in such a manner as may be prescribed); and
 - 5) Provide such other information as may reasonably be required.
- c) All such requirements shall be included as conditions of the NPDES Permit issued to the discharger, and shall be at least as stringent as those required by applicable federal regulations when these become effective.
- d) All permits shall specify requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods, when appropriate); required monitoring, including type, interval, and frequency sufficient to yield data representative of the monitored activity, including, when appropriate, continuous monitoring.

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

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: 140.492 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments pertain to the Department's rules affecting medical transportation services for medical assistance recipients. The amendments add a new provision allowing the Department to adjust reimbursement for medical transportation services when such adjustments are necessary to ensure the availability of transportation to medical services. Under these changes, the Department will have the ability to quickly respond to issues concerning access to transportation services. It is expected that the proposed amendments will result in a budgetary increase during fiscal year 2004, of approximately \$180,000.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.71	Amendment	August 29, 2003 (27 Ill. Reg. 14065)
140.402	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.405	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.420	Amendment	March 14, 2003 (27 Ill. Reg. 4470)
140.421	Amendment	March 14, 2003 (27 Ill. Reg. 4470)
140.450	Amendment	September 12, 2003 (27 Ill. Reg. 14384)
140.464	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.471	Amendment	March 28, 2003 (27 Ill. Reg. 5127)
140.472	Amendment	March 28, 2003 (27 Ill. Reg. 5127)
140.474	Amendment	March 28, 2003 (27 Ill. Reg. 5127)
140.481	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.492	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.493	Amendment	July 18, 2003 (27 Ill. Reg. 10633)

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140.514	Amendment	March 21, 2003 (27 Ill. Reg. 4888)
140.523	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.551	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.553	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.554	Repeal	July 18, 2003 (27 Ill. Reg. 10633)
140.642	Amendment	March 21, 2003 (27 Ill. Reg. 4888)
140.700	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.830	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.930	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
Table D	Amendment	March 14, 2003 (27 Ill. Reg. 4470)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

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

Any interested persons may review these proposed amendments on the Internet at <http://www.state.il.us/dpa/html/publicnotice.htm>. Access to the Internet is available through any local public library. In addition, the amendments may be reviewed at the Illinois Department of Human Services' local offices (except in Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 100 West Randolph Street, Tenth Floor, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements at 42 CFR 447.205.

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

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

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

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SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986;

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amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective

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April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150

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days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455,

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effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November

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28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. _____, effective September 5, 2003; amended at 27 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.492 Payment for Medical Transportation

Notwithstanding the provisions set forth in subsections (a) through (h) of this Section, beginning for the period of July 1, 2002, through June 30, 2003, the reimbursement rates paid for medical transportation services shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section. Payment for medical transportation services shall be made in accordance with the methodologies outlined in this Section. Base rate reimbursement is determined by the county in which the vehicle is, or the vehicles are, based. In no case shall rates exceed the Medicare allowable, where applicable, or the rates charged to the general public.

- a) Medicars shall be paid a base rate, which includes the first ten miles (20 miles round trip), a mileage rate and a fixed amount for an employee or non-employee attendant. Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.
- b) Service cars shall be paid a base rate, which includes the first ten miles (20 miles round trip), a mileage rate and a fixed amount for a non-employee attendant.

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Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.

- c) Private autos shall be paid for loaded miles at a mileage rate.
- d) Payment for transportation services provided by common carrier, such as commercial airplanes, buses and trains, shall be at the usual community rate.
- e) Taxicabs in an area regulated by a municipality or township shall be reimbursed at the community rate and a fixed amount for a non-employee attendant.
- f) Taxicabs in non-regulated areas shall be reimbursed at a rate as determined by the Department and a fixed amount for a non-employee attendant. The Department rate shall be reviewed on an annual basis each July.
- g) The Department shall pay for medically necessary ambulance services provided in accordance with Section 140.490 at a base, mileage rate (loaded miles) and a rate for oxygen, as appropriate. Payment shall also be made for Advanced Life Support (ALS) at an all inclusive rate which includes the base rate, supplies, and all other services, excluding mileage. However, for ALS services provided on or after July 1, 1993, separate reimbursement shall be made for oxygen when used and appropriately billed. Loaded miles for ALS trips shall be reimbursed at the per mile rate. Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (g)(1) through (4) of this Section. Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.
 - 1) Payment shall be made at a basic rate which is provider specific. The basic rate shall be the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim form, or 80 percent of the 50th percentile of the Medicare prevailing charge for Basic Life Support for the designated Medicare Locality, except that any basic rate previously approved by the Department that exceeds these parameters shall remain in force. The rate of annual increase shall not exceed five percent.
 - 2) Payment for loaded miles shall be at a rate per mile. If a natural disaster, weather or other conditions necessitate the use of a route other than the most direct route, reimbursement will be based on the actual distance traveled. The rate per mile shall be 50 percent of the 50th percentile of the Medicare prevailing mileage charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent.
 - 3) Payment for oxygen shall be made at a flat rate statewide. The rate shall be 50 percent of the 50th percentile of the Medicare prevailing charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent.
 - 4) Payment for Advanced Life Support services shall be at the lesser of the

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provider's usual charge, or a maximum allowable rate statewide. The maximum rate shall be 80 percent of the difference between the Medicare 50th percentile prevailing charge for Basic Life Support services and Advanced Life Support services for Medicare Locality 16. The annual rate of increase shall not exceed five percent.

- h) Payment for medical transportation services provided by individuals, including those currently receiving public assistance, legally responsible relatives or household members, will be made at a loaded mileage rate.

- i) The Department may adjust reimbursement for medical transportation services in a county when such adjustment is necessary to ensure the availability of transportation to medical services.

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Future Teacher Corps (IFTC) Program
- 2) Code Citation: 23 Ill. Adm. Code 2764
- 3)

<u>Section Numbers:</u> 2764.10 2764.20 2764.30 2764.40	<u>Proposed Action:</u> Amendment Amendment Amendment Amendment
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- 4) Statutory Authority: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILC 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].
- 5) A Complete Description of the Subjects and Issues Involved: These amendments govern the administration of the new Illinois Future Teacher Corps (IFTC) Program. The rulemaking sets forth the applicant eligibility requirements, program procedures, and institutional procedures.
- 6) Will these proposed amendments replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Deerfield, Illinois 60015
(847) 948-8500
email: tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the *Illinois Register* on page 14860.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
140.420	Amendment
140.421	Amendment
140.514	Repeal
140.642	Amendment
Table D	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: September 5, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
 March 14, 2003 (27 Ill. Reg. 4470)
 March 21, 2003 (27 Ill. Reg. 4888)
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences Between Proposal and Final Version: No substantive changes have been made in the final version except that 2 separately proposed rulemakings are combined into this one adopted rulemaking. (See #9 above.)
- 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? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
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NOTICE OF ADOPTED AMENDMENTS

140.71	Amendment	August 29, 2003 (27 Ill. Reg. 14065)
140.402	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.405	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.464	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.450	Amendment	September 12, 2003 (27 Ill. Reg. 14384)
140.471	Amendment	March 28, 2003 (27 Ill. Reg. 5127)
140.472	Amendment	March 28, 2003 (27 Ill. Reg. 5127)
140.474	Amendment	March 28, 2003 (27 Ill. Reg. 5127)
140.481	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.492	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.493	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.523	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.551	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.553	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.554	Repeal	July 18, 2003 (27 Ill. Reg. 10633)
140.700	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.830	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.930	Amendment	July 18, 2003 (27 Ill. Reg. 10633)

15) Summary and Purpose of Amendments:Sections 140.420, 140.421 and Table D

These amendments provide clarifications on coverage under the Department's dental program and updating regarding Current Dental Terminology (CDT) as approved by the American Dental Association (ADA).

Sections 140.514 and 140.642

These amendments pertain to the Department's administrative rules on long term care (LTC) services.

Provisions on physician certifications and recertifications of care at Section 140.514 specify that a physician must certify that each applicant for, or recipient of, LTC services is in need of those services. Federal physician certification requirements were repealed several years ago, but the Department continued utilizing the certifications as one determinant of the start date for LTC Medicaid payments. However, physician certification is no longer used as a determining factor of the date for initiating payment, and Section 140.514 is, therefore, being repealed.

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NOTICE OF ADOPTED AMENDMENTS

The primary amendment on screening assessment requirements in Section 140.642 responds to Public Law 104-315. The amendment addresses assessment and notification of significant change in the condition of a Medicaid eligible nursing facility resident who has a developmental disability (DD) or severe mental illness (MI). When a significant change has occurred in the condition of a resident with DD or MI, the nursing facility must report the change to the State mental health authority or the State developmental disability authority. Criteria that must be met to establish "significant change" are provided in the amendments. In recent years, the Department has worked with the Department of Human Services (Office of Mental Health and Office of Developmental Disabilities), the Department of Public Health and LTC provider associations to develop the criteria defining "significant change".

Other changes to Section 140.642 update the definitions of developmental disability and mental illness to conform with current State and federal regulations. Further, references to physician certification are stricken to reflect the repeal of Section 140.514.

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

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

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

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140.20	Submittal of Claims
140.21	Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22	Magnetic Tape Billings (Repealed)
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)

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- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

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SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986;

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amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective

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April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150

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days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455,

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effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November

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28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.420 Dental Services

- a) Payment for dental services shall be made only to enrolled licensed dentists. Payment for comprehensive orthodontic care shall be made only to a dentist licensed for provision of such services.
- b) Except for the "services not covered" specified in subsection (c) of this Section below, payment shall be made for dental services that are:
 - 1) Necessary to relieve pain or infection; ~~preserve teeth, or restore adequate dental function;~~
 - 2) Diagnostic, preventive, or restorative services, endodontics, prosthodontics, orthodontics or oral surgery included in the Department's Schedule of Dental Procedures (see Table D ~~at the end~~ of this Part); and
 - 3) Performed by the dentist or under the direct supervision of the dentist.
- c) Services for which payment shall not be made include:
 - 1) Routine or periodic examinations ~~examination~~ other than clinical oral examinations (see Table D(a)(1));
 - A) Initial examinations;

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- ~~B) Required school examinations;~~
~~C) Periodic examinations for children with minimum of 12 months having elapsed since initial or previous periodic examination;~~
- 2) Experimental dental care;
 - 3) Procedures performed only for cosmetic reasons;
 - 4) Dental prophylaxis for individuals 21 years and older;
 - 5) Topical fluoride treatment and sealants for individuals age 21 years and older;
 - 6) Space maintainers for individuals age 21 years and older;
 - 7)4) Acrylic crown;
 - 8) Prefabricated stainless steel crown for primary tooth for individuals age 21 years and older;
 - 9) Therapeutic pulpotomy for individuals age 21 years and older;
 - 10) Bicuspid and molar root canals, apexification, and apicoectomy procedures for anterior teeth, bicuspids, and permanent first molars for individuals age 21 years and older;
 - 11) Periodontics for individuals age 21 years and older;
 - 12) Partial dentures for adults age 21 years and older;
 - 13) All dentures placed prior to five year expiration (see Section 140.421(c));
 - 14) Bridgework for individuals age 21 years and older;
 - 15) Surgical exposure to aid eruption for individuals age 21 years and older;
 - 16) Alveoloplasty for individuals age 21 years and older;
 - 17) Frenulectomy for individuals age 21 years and older; and
 - 18) Orthodontics for individuals age 21 years and older.

(Source: Amended at 27 Ill. Reg. 14799, effective September 5, 2003)

Section 140.421 Limitations on Dental Services

- a) Prior approval is required for:
- 1) Space maintainers;
 - 2) Crowns;
 - 3) Endodontic services with the exception of therapeutic pulpotomy
Endodontics;
 - 4) Periodontal services-Periodontics;
 - 5) Dentures, partial dentures and denture relines;
 - 6) Maxillofacial prosthetics;
 - 7)6) Bridgework;
 - 8) Removal Extraction of impacted teeth;
 - 9) Surgical removal of residual roots;

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- 10) ~~Surgical exposure to aid eruption-Cyst excisions;~~
~~11)9)~~ Alveoloplasty;
~~12)~~ Incision and drainage of abscess;
~~13)14)~~ Frenulectomy;
~~14)7)~~ Orthodontics. Medically necessary orthodontic treatment is approved for children. The Department's consultant shall make the initial decision whether or not to approve orthodontic treatment. Medically necessary orthodontic treatment is defined as:
- A) treatment necessary to correct a condition which scores 42 points or more on the Salzmann Index, or
- B) treatment necessary to correct a condition that constitutes a handicapping malocclusion. (A malocclusion is handicapping if there is an impairment of or a hazard to the ability to eat, chew, speak or breathe that is related to the malocclusion.);
- ~~15)12)~~ Analgesia (nitrous oxide);
~~16)~~ Therapeutic drug injection;
~~17)~~ Other drugs and medicaments;
~~18)~~ Unspecified miscellaneous adjunctive general services procedure or service;
~~19)13)~~ Dental services not included in the Department's Schedule of Dental Procedures (~~see See~~ Table D ~~at the end~~ of this Part).
- b) The dentist may request post-approval when a dental procedure requiring prior approval is provided on an emergency basis. Approval of the procedures shall be given if, in the judgment of a consulting dentist of the Department or a consulting dental service, the procedure is necessary to prevent dental disease or to restore and maintain adequate dental function to assure good bodily health and the well-being of the patient.
- c) Payment for complete and partial dentures is limited to one set every five years if necessary to replace lost, broken or unusable dentures; payment for a bridge is limited to once in five years. Bridgework will be reimbursed only if there has not been placement of a partial denture within the prior five years.
- d) Root canals, apexification, and apicoectomy procedures are covered for children for anterior teeth, bicuspid, and permanent first molars. Root canals are covered for adults only for anterior teeth.
- e) Panoramic ~~Full-mouth series of~~ x-rays are covered only once every three years.

(Source: Amended at 27 Ill. Reg. 14799, effective September 5, 2003)

SUBPART E: GROUP CARE

Section 140.514 Certifications and Recertifications of Care (Repealed)

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- a) ~~Prior to the authorization of payment by the Illinois Department of Public Aid (IDPA), a physician must certify for each applicant or recipient in a Skilled Nursing Facility (SNF), an Intermediate Care Facility (ICF), an Intermediate Care Facility for the Mentally Retarded (ICF/MR), an Intermediate Care Facility for the Mentally Retarded-Skilled/Pediatric license (ICF/MR (SNF/PED)), a Department of Mental Health and Developmental Disabilities (DMHDD) facility for psychiatric services, or a psychiatric hospital (PSYCH HOSP) that SNF, ICF, ICF/MR, ICF/MR(SNF/PED), DMHDD/PSYCH, or PSYCH HOSP services are needed.~~
- b) ~~Recertifications of need for care must be conducted within the following intervals:~~
- ~~1) SNFs and ICFs:
 - ~~A) 60 days after the date of the initial certification; and~~
 - ~~B) every 60 days thereafter.~~~~
 - ~~2) ICFs/MR and ICFs/MR(SNF/PED):
 - ~~A) 60 days after the date of the initial certification;~~
 - ~~B) 180 days after the date of the initial certification;~~
 - ~~C) 12 months after the date of the initial certification;~~
 - ~~D) 18 months after the date of the initial certification;~~
 - ~~E) 24 months after the date of the initial certification; and~~
 - ~~F) every 12 months thereafter.~~~~
 - ~~3) DMHDD/PSYCHs and PSYCH HOSPs:
 - ~~A) 60 days after the date of the initial certification; and~~
 - ~~B) every 60 days thereafter.~~~~

(Source: Repealed at 27 Ill. Reg. 14799, effective September 5, 2003)

Section 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services

- a) Beginning July 1, 1996, any individual, except those identified in subsection (c) of this Section, seeking admission to a nursing facility licensed under the Nursing Home Care Act [210 ILCS 45] for nursing facility services must be screened to determine his or her need for those services pursuant to this Section. Any individual, except those identified in subsection (c) of this Section, who is seeking admission to a nursing facility that operates under the Hospital Licensing Act [210 ILCS 85] must be screened to determine his or her need for those services except when Medicaid funds will not be used for nursing facility services for any part of the stay. For the purposes of this Section, "nursing facility" or "facility"

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means a location licensed under the Nursing Home Care Act or the Hospital Licensing Act as a skilled nursing facility or an intermediate care facility.

b) Screening Assessment

1) The Level I ID Screen is the first phase of the preadmission screening process for nursing facility services described in subsection (a) of this Section. The Level I ID Screen is conducted to determine if there is a reasonable basis for suspecting that an individual has developmental disabilities (DD), as defined in subsection (b)(1)(A) of this Section, or severe mental illness (MI), as defined in subsection (b)(1)(B) of this Section. This determination is required to assure that individuals with DD or severe MI are placed into settings which provide the services they require. Entities authorized to complete the Level I ID Screen are agents of DPA, Department of Human Services (DHS), Department on Aging (DoA), Department of Public Health (DPH), hospitals or nursing facilities.

A) A developmental disability is a disability that is attributable to a diagnosis of mental retardation (mild, moderate, severe, profound, ~~unspecified~~), or a related condition. A related condition is attributable to: means the individual has been diagnosed as having infantile autism, infantile cerebral palsy or epilepsy, or any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation, and requires treatment or services similar to those required for persons with mental retardation. In addition, and this condition is manifested before the age of 22; is likely to continue indefinitely; and results in substantial functional limitations in three or more of the following areas of major life activity:

- i) self-care;
- ii) understanding and use of language;
- iii) learning;
- iv) mobility;
- v) self-direction;
- vi) capacity for independent living.

B) An individual is considered to have a severe mental illness for the purpose of this Section if he or she has one of the following diagnoses: schizophrenia; delusional disorder; schizoaffective disorder; psychotic disorder not otherwise specified; bipolar disorder I – mixed, manic, and depressed; bipolar disorder II; cyclothymic disorder; bipolar disorder not otherwise specified;

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major depression, recurrent; and due to ~~his or her~~ ~~their~~ mental illness exhibits resulting substantial functional limitations. The functional limitation must be of an extended duration expected to be present for at least a year, which results in substantial limitation in major life activities affecting ~~it~~ at least two of the following

areas:

- i) self-maintenance;
 - ii) social functioning;
 - iii) community living activities;
 - iv) work related skills.
- 2) If the Level I ID Screen indicates that an individual may have DD or severe MI, a comprehensive assessment, the Level II assessment, except as defined in subsection (b)(7) of this Section, is conducted by preadmission screening (PAS) agents designated by the DHS-Office of Developmental Disabilities or DHS-Office of Mental Health, whichever is applicable, concerning the need for nursing facility services and the need for specialized services.
 - 3) If the Level I ID Screen does not identify a reasonable basis for suspecting DD or severe MI, the individual is referred to DoA (individuals 60 years of age or older) or DHS - Office of Rehabilitation Services (individuals 18 through 59 years of age) for a Determination of Need to assess the need for nursing facility services.
 - 4) For applicants of Medicaid services who are already residing in the facility and were admitted after June 30, 1996, the Department will review and evaluate a copy of the most recent Minimum Data Set (MDS) resident assessment instrument. The Department will refer to DoA or DHS, as appropriate, any light need resident who appears to be a potential candidate for community placement.
 - 5) A screening assessment is valid for 90 calendar days from the date of the assessment. For individuals with DD or severe MI, an existing Level II assessment may remain valid after 90 calendar days when the designated PAS agent updates any component of the assessment which is not current, and confirms the validity of the assessment as reliably reflecting the status of the individual.
 - 6) Due to exceptional circumstances, an individual identified as having DD or MI, following a Level I ID Screen, may be determined to need nursing facility services. The individual with exceptional circumstances must then receive a Level II assessment to determine the individual's need for specialized services related to placement in a nursing facility, except in the specific circumstances noted in subsection (b)(7) of this Section.

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Exceptional circumstances include, but are not limited to:

- A) terminal illness with a life expectancy of six months or less; and
 - B) convalescent care (a medically prescribed period of recovery, following acute care, not to exceed 120 calendar days); and
 - C) severe physical illnesses, such as coma, ventilator dependence, functioning at brain stem level or diagnoses such as chronic obstructive pulmonary disease, Parkinson's disease, Huntington's disease, amyotrophic lateral sclerosis, and congestive heart failure; and
 - D) a diagnosis of dementia, including Alzheimer's disease or a related disorder, in the case of the individual with DD.
- 7) Level II assessment exemption. Some individuals with DD or severe MI may be admitted to a nursing facility without receiving a Level II assessment to determine the need for specialized services by a designated PAS agent. Individuals exempt from a Level II assessment for specialized services are provisional admissions pending further assessment in cases of delirium where an accurate diagnosis cannot be made until the delirium clears. In all other cases, a determination that specialized services are not needed must be based on a Level II assessment.
- 8) Screening agents shall present alternatives to institutional placement, and inform individuals of alternative settings before placement into a nursing facility.
- 9) Non-Medicaid supported individuals who choose to be admitted into a nursing facility when the screening assessment does not justify nursing facility placement will not be denied access to the facility.
- c) A screening assessment does not apply to an individual who:
- 1) is receiving or will be receiving sheltered care services; or
 - 2) transfers from one facility to another, with or without an intervening hospital stay. It is the transferring facility's responsibility to ensure that copies of the resident's most recent screening assessment accompany the transferring resident; or
 - 3) resided in a facility for a period of at least 60 days and is returning to a facility after an absence of not more than 60 days; or
 - 4) is receiving or will be receiving hospice services; or
 - 5) is readmitted to a facility after a therapeutic home visit; or
 - 6) is readmitted to a facility from a hospital to which he or she was transferred for the purpose of receiving care; or
 - 7) resided in the facility on June 30, 1996.
- d) Nursing Facility Services
- In Illinois, nursing facilities are licensed for intermediate level nursing care and

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skilled level nursing care. For guidelines to the type of services provided by nursing facilities refer to 77 Ill. Adm. Code 300.Appendix A.

e) Date of Payment

- 1) No payment for nursing facility services may be made for individuals who ~~A) have been determined eligible, or have applied for Medicaid at the point of admission, unless both the screening assessment documents and a physician's certification, as described in Section 140.514, document a need for such care; or~~
 - ~~B) apply for Medicaid while residing in the facility, unless a physician's certification documents a need for such care.~~
- ~~2) The date of the physician certification will not be used to determine the begin date of payment; however, the physician certification shall be completed before Medicaid payment is authorized. The begin date of payment will be determined in accordance with subsection (e)(4), (5) or (6) of this Section, whichever is applicable.~~
- ~~2)3) Where the assessment does not establish this need, the individual may request that a licensed physician designated by DPA review the medical reports and any other evidence the individual wishes to submit, and certify whether there is a need for nursing facility services in the individual's case. The individual will be notified of the right to this review.~~
- ~~3)4) For an individual whose preadmission screening assessment has been completed prior to admission, DPA will begin payment:

 - A) on the date of admission if Medicaid eligibility has been established, or
 - B) on the beginning date of Medicaid eligibility if eligibility starts after the date of admission.~~
- ~~4)5) For an individual whose preadmission screening assessment has not been completed prior to admission, DPA will begin payment on the later of:

 - A) the date that the screening assessment requirement is met, or
 - B) the effective date of Medicaid eligibility.~~
- ~~5)6) For an individual who applies for Medicaid after admission to a facility, DPA will begin payment on the effective date of Medicaid eligibility.~~

- f) Review Required Upon Change in DD/MI Resident Condition
Nursing facilities must notify the State mental health authority or the State developmental disability authority, or their designee as applicable, when there has been a significant change in the condition of a Medicaid eligible resident with developmental disability or severe mental illness as required by 42 USC 396r(e)(7)(B)(iii) (1999). The nursing facility shall report in a format established by the applicable State authority, or its designee, significant changes in a resident's condition. A determination will then be made whether there has been a

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significant change requiring a resident review. For the purposes of this subsection (f), a significant change for a resident with severe mental illness or developmental disability will be deemed to have occurred when:

- 1) An individual who was determined by PAS to be severely mentally ill, and who has continuously resided in a nursing facility within the last 12 months, who has been referred for admission or been admitted to a psychiatric hospital or psychiatric ward of a general hospital for psychiatric care three or more times within that 12 month period; or
 - 2) An individual who was determined by PAS to be severely mentally ill or developmentally disabled is evaluated by the nursing facility to no longer have a severe mental illness or developmental disability; or
 - 3) An individual who was determined by PAS not to be severely mentally ill or developmentally disabled is evaluated by the nursing facility to have a severe mental illness or developmental disability. There must be a reasonable basis for believing that the condition may indicate the presence of a developmental disability prior to the age of 22; or
 - 4) An individual who was determined by PAS to be severely mentally ill who does not have a medical need for nursing facility level of care, meets all of the following:
 - A) no longer receives any intervention programs for mood, behavior or cognitive loss;
 - B) has successfully completed training skills required to return to the community; and
 - C) discharge to the community is not planned within the next 90 days;
or
 - 5) An individual who was determined by PAS to be developmentally disabled no longer receives specialized services; or
 - 6) An individual with severe mental illness or an individual with a developmental disability who entered the nursing facility as an exempted hospital discharge is now found to require more than 30 days of nursing facility care.
- g) Periodic Resident Review
The Department, the Department of Public Health, or their agents may periodically review some or all Medicaid eligible residents found to be severely mentally ill or developmentally disabled to evaluate nursing facilities' compliance with this Section.

(Source: Amended at 27 Ill. Reg. 14799, effective September 5, 2003)

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Section 140.TABLE D Schedule of Dental Procedures

- a) Diagnostic Services
 - 1) Clinical Oral Examinations
 - A) Periodic oral evaluation, ages 0-20 years, once every 12 months
 - B) Limited oral examination – problem focused in conjunction with an emergency visit
 - C) Comprehensive oral examination, once per patient, per lifetime, per dentist or group
 - 2) Radiographs
 - A) Intraoral, complete series (including bitewings), once per 36 months, complete series every 36 months
 - B) Intraoral – periapical – first film, maximum of one per day, per provider or group
 - C) Intraoral – periapical – additional film, maximum of five per day
 - D) Bitewing – single film
 - E) Bitewings – two films
 - F) Bitewings – four films
 - G) Vertical bitewings – 7-8 films
 - H) Panoramic film, one per 36 months
- b) Preventive Services
 - 1) Prophylaxis, ages 2-20 years, once every 6 months
 - 2) Topical application of fluoride, ages 2-20 years, once every 12 months
 - 3) Sealant – per tooth, ages 5-17 years, occlusal surfaces of the permanent first and second molars, once per lifetime
 - 4) Space maintainer – fixed unilateral, ages 2-20 years
 - 5) Space maintainer – fixed bilateral, ages 2-20 years
 - 6) Space maintainer – removable bilateral type, ages 2-20 years
 - 7) Recementation of space maintainer, ages 2-20 years
- c) Restorative Services
 - 1) Amalgam Restorations
 - A) Amalgam – 1 surface, primary
 - B) Amalgam – 2 surfaces, primary
 - C) Amalgam – 3 surfaces, primary
 - D) Amalgam – 4 plus surfaces, primary
 - E) Amalgam – 1 surface, permanent
 - F) Amalgam – 2 surfaces, permanent
 - G) Amalgam – 3 surfaces, permanent
 - H) Amalgam – 4 plus surfaces, permanent

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- 2) Composite Restorations
 - A) Resin-based composite – 1 surface, anterior
 - B) Resin-based composite – 2 surfaces, anterior
 - C) Resin-based composite – 3 surfaces, anterior
 - D) Resin-based composite – 4 or more surfaces, or including the incisal edge
 - E) Resin-based composite – 1 surface, posterior, primary
 - F) Resin-based composite – 2 surfaces, posterior, primary
 - G) Resin-based composite – 3 or more surfaces, posterior, primary
 - H) Resin-based composite – 1 surface, posterior, permanent
 - I) Resin-based composite – 2 surfaces, posterior, permanent
 - J) Resin-based composite – 3 surfaces, posterior, permanent
 - K) Resin-based composite – 4 or more surfaces, posterior, permanent
- 3) Other Restorative
 - A) Crown – porcelain/base metal
 - B) Crown – full cast base metal
 - C) Prefabricated stainless steel crown, primary tooth, ages 2-20 years
 - D) Prefabricated stainless steel crown, permanent tooth, ages 2 years and over
 - E) Prefabricated resin crown, ages 2 years and over
 - F) Sedative fillings
 - G) Pin retention – per tooth
 - H) Prefabricated post and core
 - I) Recement inlays
 - J) Recement crown
- d) Endodontic Services
 - 1) Therapeutic pulpotomy, primary teeth only, ages 2-20 years
 - 2) Root canal therapy (including exam, clinical procedure, necessary radiographs and follow up)
 - A) Anterior root canal (excluding final restoration), ages 2 years and over
 - B) Bicuspid root canal (excluding final restoration), ages 2-20 years
 - C) Molar root canal (excluding final restoration), ages 2-20 years
 - D) Apexification/recalcification, initial visit, ages 2-20 years
 - E) Apexification/recalcification, interim visit, ages 2-20 years
 - F) Apexification/recalcification, final visit, ages 2-20 years
 - G) Apicoectomy/periradicular surgery – per tooth, first root, ages 2-20 years
- e) Periodontic Services
 - Periodontal Treatment

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- 1) Gingivectomy or gingivoplasty – per quadrant, ages 0-20 years
 - 2) Gingivectomy or gingivoplasty – per tooth, ages 0-20 years
 - 3) Gingival flap procedure, including root planing – per quadrant, ages 0-20 years
 - 4) Osseous surgery – per quadrant, ages 0-20 years
 - 5) Bone replacement graft – first site in quadrant, ages 0-20 years
 - 6) Bone replacement graft – each additional site in quadrant, ages 0-20 years
 - 7) Pedicle soft tissue graft, ages 0-20 years
 - 8) Free soft tissue graft, ages 0-20 years
 - 9) Subepithelial connective tissue graft procedure, ages 0-20 years
 - 10) Distal or proximal wedge procedure, ages 0-20 years
 - 11) Provisional splinting, intracoronaral, ages 0-20 years
 - 12) Provisional splinting, extracoronaral, ages 0-20 years
 - 13) Periodontal scaling and root planing – per quadrant, ages 0-20 years
 - 14) Periodontal maintenance procedure, ages 0-20 years
- f) Removable Prosthodontic Services (every five years based on age of prior placement)
- 1) Complete Dentures – including six months' post delivery care
 - A) Complete denture – maxillary
 - B) Complete denture – mandibular
 - C) Immediate denture – maxillary
 - D) Immediate denture – mandibular
 - 2) Partial Dentures – including six months' post delivery care
 - A) Maxillary partial denture – resin base, ages 2-20 years
 - B) Mandibular partial denture – resin base, ages 2-20 years
 - C) Maxillary partial denture – cast metal framework, ages 2-20 years
 - D) Mandibular partial denture – cast metal framework, ages 2-20 years
 - 3) Repairs to Dentures
 - A) Repair complete denture
 - B) Replace missing or broken teeth, complete denture (each tooth)
 - C) Repair partial denture base
 - D) Repair cast framework
 - E) Repair or replace broken clasp
 - F) Replace broken teeth, per tooth
 - G) Add tooth to existing partial
 - 4) Denture Reline Procedures (covered once every 24 months)
 - A) Reline complete maxillary denture, chairside
 - B) Reline complete mandibular denture, chairside
 - C) Reline maxillary partial denture, chairside

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- D) Reline mandibular partial denture, chairside
- E) Reline complete maxillary denture, laboratory
- F) Reline complete mandibular denture, laboratory
- G) Reline maxillary partial denture, laboratory
- H) Reline mandibular partial denture, laboratory
- 5) Maxillofacial Prosthetics
 - A) Facial moulage – sectional
 - B) Facial moulage – complete
 - C) Nasal prosthesis
 - D) Auricular prosthesis
 - E) Orbital prosthesis
 - F) Ocular prosthesis
 - G) Facial prosthesis
 - H) Nasal septal prosthesis
 - I) Ocular prosthesis, interim

 - J) Cranial prosthesis
 - K) Facial augmentation implant prosthesis
 - L) Nasal prosthesis, replacement
 - M) Auricular prosthesis, replacement
 - N) Orbital prosthesis, replacement
 - O) Facial prosthesis, replacement
 - P) Obturator prosthesis, surgical
 - Q) Obturator prosthesis, definitive
 - R) Obturator prosthesis, modification
 - S) Mandibular resection, prosthesis with guide flange
 - T) Mandibular resection, prosthesis without guide flanges
 - U) Obturator prosthesis, interim

 - V) Trismus appliance
 - W) Feeding aid
 - X) Speech aid prosthesis
 - Y) Palatal augmentation prosthesis
 - Z) Palatal lift prosthesis, definitive
 - AA) Palatal lift prosthesis, interim
 - BB) Palatal lift prosthesis, modification
 - CC) Speech aid prosthesis, modification
 - DD) Surgical stent
 - EE) Radiation carrier
 - FF) Radiation shield
 - GG) Radiation cone locator

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- HH) Fluoride gel carrier
- II) Commissure splint
- JJ) Surgical splint
- KK) Unspecified maxillofacial prosthesis
- g) Fixed Prosthetic Services
 - 1) Bridge Pontics
 - A) Pontic – porcelain fused to predominantly base metal, ages 2-20 years
 - B) Pontic – resin with predominantly base metal, ages 2-20 years
 - 2) Bridge Retainer Crowns
 - A) Crown – resin with predominantly base metal, ages 2-20 years
 - B) Crown – porcelain with predominantly base metal, ages 2-20 years
 - 3) Other Prosthetic Services
 - A) Recement fixed partial denture
 - B) Prefabricated post and core in addition to fixed partial denture retainer, ages 2-20 years
- h) Oral and Maxillofacial Services
 - 1) Simple Extractions
 - A) Single tooth extraction
 - B) Each additional extraction
 - C) Root removal, exposed roots
 - 2) Surgical Extractions
 - A) Surgical removal of erupted tooth
 - B) Removal of impacted tooth – soft tissues
 - C) Removal of impacted tooth – partially bony
 - D) Removal of impacted tooth – completely bony
 - E) Surgical removal of residual roots
 - 3) Other Surgical Procedures
 - Surgical exposure to aid eruption, ages 2-20 years
 - 4) Alveoloplasty
 - A) Alveoloplasty in conjunction with extractions, ages 2-20 years
 - B) Alveoloplasty not in conjunction with extractions, ages 2-20 years
 - 5) Removal of Cysts and Neoplasms
 - A) Removal of odontogenic cyst or tumor, up to 1.25 cm
 - B) Removal of odontogenic cyst or tumor, over 1.25 cm
 - C) Removal of non-odontogenic cyst or tumor, up to 1.25 cm
 - D) Removal of non-odontogenic cyst or tumor, over 1.25 cm
 - E) Incision and drainage of abscess
 - 6) Treatment of Fractures – Simple
 - A) Maxilla – open reduction, teeth immobilized

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- B) Maxilla – closed reduction, teeth immobilized
- C) Mandible – open reduction, teeth immobilized
- D) Mandible – closed reduction, teeth immobilized
- 7) Treatment of Fractures – Compound
 - A) Maxilla – open reduction
 - B) Maxilla – closed reduction
 - C) Mandible – open reduction
 - D) Mandible – closed reduction
- 8) Reduction of Dislocation
 - A) Open reduction of dislocation
 - B) Closed reduction of dislocation
- 9) Other Oral Surgery
 - Frenulectomy – separate procedure (frenectomy or frenotomy), ages 2-20 years
- i) Orthodontic Services – for ages 2-20 years
 - 1) Initial examination, records, study models, radiographs, and facial photographs, ages 2-20 years
 - 2) Initial orthodontic appliance placement, ages 2-20 years
 - 3) Monthly adjustments, ages 2-20 years
 - 4) Initial orthodontic evaluation/study models, ages 2-20 years (for cases that fail to reach 42 points on the Modified Salzmann Index).
- j) Adjunctive General Services
 - 1) Unclassified Treatment
 - A) Palliative (emergency) treatment of dental pain – minor procedures
 - B) General anesthesia
 - C) Analgesia, anxiolysis, inhalation of nitrous oxide
 - D) Intravenous sedation
 - 2) Professional Consultation
 - Consultation (narrative; diagnostic services provided by dentist other than practitioner providing treatment)
 - 3) Drugs
 - A) Therapeutic drug injection
 - B) Other drugs and medicaments
 - 4) Miscellaneous Services
 - Unspecified procedure by report to be described by statement of attending dentist
- a) Diagnostic
 - 1) Clinical Oral Examinations
 - A) Initial oral examination
 - B) Periodic oral examination for individuals through age 20

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- ~~(minimum of 12 months required since most recent dental examination)~~
- C) ~~School examination as required by Illinois School Code (Section 1-1 et seq. of The School Code, Ill. Rev. Stat. 1989, ch. 122, par. 1-1 et seq.)~~
- 2) Radiographs
- A) ~~Intraoral—complete series (including bitewings)~~
- B) ~~Intraoral periapical—single, first film~~
- C) ~~Intraoral periapical—one additional film~~
- D) ~~Intraoral periapical—two additional films~~
- E) ~~Intraoral periapical—three additional films~~
- F) ~~Intraoral periapical—four additional films~~
- G) ~~Intraoral periapical—five additional films~~
- H) ~~Intraoral periapical—six additional films~~
- I) ~~Intraoral periapical—seven additional films~~
- J) ~~Intraoral periapical—eight or more additional films~~
- K) ~~Bitewing—single film~~
- L) ~~Bitewings—two films~~
- M) ~~Bitewings—three films~~
- N) ~~Bitewings—four films~~
- O) ~~Panoramic—maxilla and mandible, film~~
- P) ~~Panoramic—one tooth treated~~
- Q) ~~Panoramic—two teeth treated~~
- R) ~~Panoramic—three teeth treated~~
- S) ~~Panoramic—four teeth treated~~
- T) ~~Panoramic—five teeth treated~~
- U) ~~Panoramic with bitewings (and anterior periapicals as needed)~~
- b) Preventive
- 1) Dental Prophylaxis
- ~~Children (beginning at age 2 through age 20)~~
- ~~Adults (applicable only to those adults who reside in ICF/DD facilities)~~
- 2) Fluoride Treatments
- ~~Topical application of acid fluoride phosphate—one treatment (excluding prophylaxis) (beginning at age 2 through age 20)~~
- 3) Space Management Therapy (use of appliances to maintain space for tooth eruption)
- A) ~~Fixed—unilateral type~~
- B) ~~Fixed—bilateral type~~
- C) ~~Removable bilateral type~~
- D) ~~Recementation of space maintainer~~

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- e) Restorative
- 1) Amalgam Restorations (including polishing)
- A) Amalgam—~~one surface, deciduous~~
 - B) Amalgam—~~two surfaces (separate fillings), deciduous~~
 - C) Amalgam—~~three surfaces (separate fillings), deciduous~~
 - D) Amalgam—~~four surfaces (separate fillings), deciduous~~
 - E) Amalgam—~~five surfaces (separate fillings), deciduous~~
 - F) Amalgam—~~one two surface filling, deciduous~~
 - G) Amalgam—~~two two surface fillings, deciduous~~
 - H) Amalgam—~~one three surface filling, deciduous~~
 - I) Amalgam—~~one four surface filling, deciduous~~
 - J) Amalgam—~~one surface, permanent~~
 - K) Amalgam—~~two surfaces (separate fillings), permanent~~
 - L) Amalgam—~~three surfaces (separate fillings), permanent~~
 - M) Amalgam—~~four surfaces (separate fillings), permanent~~
 - N) Amalgam—~~five surfaces (separate fillings), permanent~~
 - O) Amalgam—~~one two surface filling, permanent~~
 - P) Amalgam—~~two two surface fillings, permanent~~
 - Q) Amalgam—~~one three surface filling, permanent~~
 - R) Amalgam—~~one four or more surface filling, permanent~~
 - S) Pin retention—~~exclusive of amalgam~~
- 2) Acrylic or Plastic Restorations
 - A) Composite resin—~~one surface~~
 - B) Composite resin—~~two surfaces (separate fillings)~~
 - C) Composite resin—~~three surfaces (separate fillings)~~
 - D) Composite resin—~~four surfaces (separate fillings)~~
 - E) Composite resin—~~five surfaces (separate fillings)~~
 - F) Composite resin—~~one two surface filling~~
 - G) Composite resin—~~two two surface fillings~~
 - H) Composite resin—~~one three or more surface filling~~
 - I) Composite resin (involving incisal angle)
 - J) Pin retention—~~exclusive of composite resin~~
- 3) Crowns—Single Restorations Only
 - A) Plastic—~~prefabricated~~
 - B) Prefabricated stainless steel—~~primary~~
 - C) Prefabricated stainless steel—~~permanent~~
 - D) Prefabricated post and core in addition to crown
- 4) Other Restorative Services
 - A) Recement inlays
 - B) Recement crowns

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- ~~C) Fillings (sedative)~~
- d) Endodontics
 - ~~1) Pulpotomy (excluding final restoration)
Vital pulpotomy (including bases and x-rays)~~
 - ~~2) Root Canal Therapy (includes treatment plan, treatment, x-rays, clinical procedures and follow up care; excludes final restoration)
 - ~~A) One Canal—traditional technique~~
 - ~~B) One Canal—Sargenti technique~~
 - ~~C) Two Canals—traditional technique~~
 - ~~D) Two Canals—Sargenti technique~~
 - ~~E) Three Canals—First Permanent Molar—traditional technique~~
 - ~~F) Three Canals—First Permanent Molar—Sargenti technique~~
 - ~~G) Apexification~~~~
 - ~~3) Periapical Services
Apicoectomy—performed as separate surgical procedure (per root)~~
- e) Periodontics
 - ~~Periodontal Treatment (applicable only to children; requires submission of prescribed course of treatment and usual and customary charge)~~
- f) Prosthodontics, Removable
 - ~~1) Complete Dentures—including six months' post delivery care
 - ~~A) Complete upper~~
 - ~~B) Complete lower~~~~
 - ~~2) Partial Dentures—including six months' post delivery care
 - ~~A) Upper—without clasps, acrylic base~~
 - ~~B) Lower—without clasps, acrylic base~~
 - ~~C) Upper—with two chrome clasps with rests, acrylic base~~
 - ~~D) Lower—with chrome clasps with rests, acrylic base~~
 - ~~E) Lower—with chrome lingual bar & two clasps, acrylic base~~
 - ~~F) Upper—with chrome palatal bar & two clasps, acrylic base~~~~
 - ~~3) Non-Delivered Dentures
 - ~~A) Non-delivery, Full Denture~~
 - ~~B) Non-delivery, Clasplless Partial Denture~~
 - ~~C) Non-delivery, Partial Denture, Two Clasps~~
 - ~~D) Non-delivery, Partial Denture, Two Clasps and Lingual or Palatal Bar~~~~
 - ~~4) Repairs to Dentures
 - ~~A) Repair broken complete or partial denture—no teeth damage~~
 - ~~B) Repair broken complete or partial denture—replace one broken tooth~~
 - ~~C) Replace additional teeth—each tooth~~~~

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- ~~D) Replace broken tooth on denture—no other repairs~~
- ~~E) Adding tooth to partial denture to replace extracted tooth—each tooth (not involving clasp or abutment tooth)~~
- 5) ~~Denture Relining~~
 - ~~A) Relining upper complete denture (laboratory)~~
 - ~~B) Relining lower complete denture (laboratory)~~
 - ~~C) Relining upper partial denture (laboratory)~~
 - ~~D) Relining lower partial denture (laboratory)~~
- g) ~~Prosthodontics, Fixed~~
 - 1) ~~Bridge Pontics~~
 - ~~A) Porcelain fused to nonprecious metal~~
 - ~~B) Plastic processed to nonprecious metal~~
 - 2) ~~Crowns~~
 - ~~A) Resin with predominantly base metal~~
 - ~~B) Porcelain fused to metal~~
 - 3) ~~Other Prosthetic Services~~
 - ~~A) Recement bridge~~
 - ~~B) Dowel pin—metal~~
- h) ~~Oral Surgery~~
 - 1) ~~Extractions~~
 - ~~A) Single tooth~~
 - ~~B) Each additional tooth~~
 - 2) ~~Surgical Extractions~~
 - ~~A) Surgical removal of erupted tooth, requires elevation of mucoperiosteal flap and removal of bone and/or section of tooth~~
 - ~~B) Extraction, soft tissue impaction~~
 - ~~C) Extraction, partial bone impaction~~
 - ~~D) Extraction, complete bone impaction~~
 - ~~E) Root recovery (surgical removal of residual root)~~
 - 3) ~~Other Surgical Procedures~~
 - ~~Surgical exposure of impacted or unerupted tooth to aid eruption~~
 - 4) ~~Alveoloplasty (surgical preparation of ridge for dentures)~~
 - ~~A) One quadrant~~
 - ~~B) Two quadrants~~
 - ~~C) Three quadrants~~
 - ~~D) Four quadrants~~
 - 5) ~~Removal of Cysts and Neoplasms~~
 - ~~A) Removal of odontogenic cyst or tumor—up to 1.25 cm in diameter~~
 - ~~B) Removal of odontogenic cyst or tumor—over 1.25 cm in diameter~~
 - ~~C) Removal of nonodontogenic cyst or tumor—up to 1.25 cm in~~

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- ~~D) Removal of nonodontogenic cyst or tumor — over 1.25 cm in diameter~~
- 6) Treatment of Fractures—simple
 - A) Maxilla—open reduction, teeth immobilized (if present)
 - B) Maxilla—closed reduction, teeth immobilized (if present)
 - C) Mandible—open reduction, teeth immobilized (if present)
 - D) Mandible—closed reduction, teeth immobilized (if present)
- 7) Treatment of Fractures—compound
 - A) Maxilla—open reduction
 - B) Maxilla—closed reduction
 - C) Mandible—open reduction
 - D) Mandible—closed reduction
- 8) Reduction of Dislocation
 - A) Open reduction of dislocation
 - B) Closed reduction of dislocation
- 9) Other Oral Surgery
 - Frenulectomy—separate procedure (frenectomy or frenotomy)
- i) Orthodontics
 - Comprehensive Orthodontic Treatment
 - 1) Initial examination, records, radiographs, study models and facial photographs
 - 2) Initial orthodontic appliance
 - 3) Each month of treatment
 - 4) Initial orthodontic evaluation (described extent of evaluation)
- j) Adjunctive General Services
 - 1) Unclassified Treatment
 - Palliative (emergency) treatment of dental pain, minor procedures
 - 2) Anesthesia
 - A) General
 - B) Analgesia
 - C) Intravenous sedation
 - 3) Professional Consultation—(diagnostic service provided by dentist other than practitioner providing treatment)
 - Consultation
 - 4) Drugs
 - A) Therapeutic drug injection
 - B) Other drugs and/or medicaments
 - 5) Miscellaneous Services
 - Unspecified (by report to be described by statement of attending dentist)

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(Source: Amended at 27 Ill. Reg. 14799, effective September 5, 2003)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Low Income Energy Assistance Program
- 2) Code Citation: 47 Ill. Adm. Code 100
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
100.105	Amend
100.APPENDIX A	Amend
- 4) Statutory Authority: Implementing the Energy Assistance Act of 1989 [305 ILCS 20] and Section 2 of the Illinois Economic Opportunity Act [20 ILCS 625/2] and authorized by Section 4 of the Energy Assistance Act of 1989 [305 ILCS 20/4], Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95], and the Low-Income Home Energy Assistance Act of 1981 (42 USCA 8621 et seq.).
- 5) Effective Date of Amendments: September 2, 2003
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed with the Index Department: September 2, 2003
- 8) A copy of the emergency amendment, 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: The income eligibility standards have recently changed and must be effective as of September 1, 2003.
- 10) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking clarifies and updates the rules governing the Department's administration of the Energy Assistance and Weatherization Programs. This rulemaking has been necessitated by recent amendments to the Energy Assistance Act of 1989 which created a new funding stream for the program. In addition, the amendments clarify and/or update program operation issues such as grant language, income eligibility standards, and program definitions.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805].

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- 13) Information and questions regarding this amendment shall be directed to:

Erin E. Davis
Administrative Code Rules Manager
Illinois Department of Commerce and Economic Opportunity
620 East Adams
Springfield, IL 62701
(217) 785-6285

- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRSPART 100
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
100.10	Legislative Base
100.20	Purpose and Scope
100.30	Definitions
100.40	Local Administering Agency Designation
100.45	Local Administering Agency Application for Funding
100.50	Grant Termination
100.60	Eligible Grantees (Recodified)
100.70	Administrative Requirements
100.80	Nondiscrimination
100.85	Dispute Procedures
100.90	Complaint Process
100.100	Incorporation by Reference

SUBPART B: ENERGY ASSISTANCE

Section	
100.103	Energy Assistance Program
100.105	Allocation of Block Grant Funds
<u>EMERGENCY</u>	
100.106	Allocation of Illinois Department of Public Aid Funds (Repealed)
100.110	Assistance Available
100.111	Status Category 1 Procedures (Applicants on Aid to Families with Dependent Children (AFDC) Assistance) (Repealed)
100.113	Applicant Assistance
100.115	Summer Energy Assistance
100.117	Supplemental Assistance (Repealed)
100.120	Determination of Household Eligibility
100.130	Grant Application Requirements (Repealed)
100.140	Eligible Grantees (Repealed)

SUBPART C: WEATHERIZATION

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Section

100.210	Definitions (Repealed)
100.220	Allocation of Funds
100.230	Local Administering Agency Selection (Repealed)
100.240	Local Administering Agency Application (Repealed)
100.250	Minimum Program Requirements
100.260	Allowable Costs
100.270	Cost Restrictions
100.280	Standards and Techniques for Weatherization
100.290	Eligible Dwelling Units

100.APPENDIX A LIHEAP Payment Matrix

EMERGENCY

100.ILLUSTRATION A	1993 Payment Matrix - North #1 (0-40% of Poverty Level) (Repealed)
100.ILLUSTRATION B	1993 Payment Matrix - North #2 (41-80% of Poverty Level) (Repealed)
100.ILLUSTRATION C	1993 Payment Matrix - North #3 (81-110% of Poverty Level) (Repealed)
100.ILLUSTRATION D	1993 Payment Matrix - South #1 (0-40% of Poverty Level) (Repealed)
100.ILLUSTRATION E	1993 Payment Matrix - South #2 (41-80% of Poverty Level) (Repealed)
100.ILLUSTRATION F	1993 Payment Matrix - South #3 (81-110% of Poverty Level) (Repealed)
100.APPENDIX B	FY'88 IHEAP Assistance Level Chart/Cooling Payment Matrix (Repealed)
100.APPENDIX C	Medical Certification
100.APPENDIX D	Assistance Level Chart Map
100.APPENDIX E	REAPP Direct Payment Matrix (Repealed)
100.APPENDIX F	90% of the Adjusted Average Winter Energy Cost (Monthly Allowable Payment) (Repealed)

AUTHORITY: Implementing the Energy Assistance Act of 1989 [305 ILCS 20] and Section 2 of the Illinois Economic Opportunity Act [20 ILCS 625/2] and authorized by Section 4 of the Energy Assistance Act of 1989 [305 ILCS 20/4], Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95], and the Low-Income Home Energy Assistance Act of 1981 (42 USCA 8621 et seq.).

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NOTICE OF EMERGENCY AMENDMENTS

SOURCE: Adopted and codified at 7 Ill. Reg. 2956, effective March 9, 1983; amended at 8 Ill. Reg. 8184, effective May 31, 1984; amended at 8 Ill. Reg. 16004, effective August 27, 1984; amended at 8 Ill. Reg. 20669, effective October 6, 1984; amended at 9 Ill. Reg. 10710, effective July 1, 1985; amended at 9 Ill. Reg. 18134, effective November 12, 1985; amended at 10 Ill. Reg. 8684, effective May 12, 1986; amended at 10 Ill. Reg. 21064, effective December 9, 1986; amended at 11 Ill. Reg. 682, effective December 18, 1986; recodified at 11 Ill. Reg. 4631; amended at 12 Ill. Reg. 757, effective December 23, 1987; amended at 12 Ill. Reg. 14639, effective September 6, 1988; amended at 12 Ill. Reg. 15530, effective September 19, 1988; amended at 13 Ill. Reg. 10827, effective June 27, 1989; amended at 13 Ill. Reg. 13568, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 17870, effective November 1, 1989, for a maximum of 150 days; emergency expired March 31, 1990; amended at 14 Ill. Reg. 13440, effective August 8, 1990; amended at 15 Ill. Reg. 3437, effective February 25, 1991; emergency amendment at 15 Ill. Reg. 14604, effective September 30, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3940, effective February 26, 1992; emergency amendment at 16 Ill. Reg. 17136, effective October 26, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 3836, effective March 5, 1993; amended at 27 Ill. Reg. 2123, effective January 24, 2003; emergency amendment at 27 Ill. Reg. 14838, effective September 2, 2003, for a maximum of 150 days.

SUBPART B: ENERGY ASSISTANCE

Section 100.105 Allocation of Block Grant Funds**EMERGENCY**

- a) The Department shall allocate financial assistance for each county from sums available for any fiscal year from the Low Income Home Energy Assistance Block Grant as described in the State's annual plan to HHS.
- b) The Department shall determine allocations for each county from available funds.
 - 1) At least 50% of the funds available shall be allocated to each county based on the "Index of Need".
 - A) The Index of Need is comprised of five factors, which are:
 - i) Heating Degree Days;
 - ii) Fuel Cost Factor Per 100,000 BTUs;
 - iii) Persons in Poverty (an amount determined by the Department by equally weighing available funding, energy costs, and economic conditions, but shall not exceed 150% of the OMB Poverty Income Guidelines);
 - iv) Elderly in Poverty (an amount determined by the Department by equally weighing available funding, energy costs, and economic conditions, but shall not exceed 150% of OMB Poverty Income Guidelines); and

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- v) Disabled persons.
 - B) Each factor will be multiplied by an assigned weight. The formula for determining each of these factors and the weight to be assigned to these factors is as follows:
 - i) number of climatic heating degree days per county divided by total climatic heating degree days for State = heating degree days (5%);
 - ii) estimated fuel cost per 100,000 BTUs per county divided by total estimated fuel cost per 100,000 BTUs for State = fuel cost factor per 100,000 BTUs (5%);
 - iii) number of persons in poverty per county divided by total number of persons in poverty for State = persons in poverty (75%);
 - iv) number of elderly persons in poverty per county divided by total number of elderly persons in poverty for State = elderly in poverty (10%); and
 - v) number of disabled persons per county divided by total number of disabled persons for State = Disabled (5%).
 - C) The sum of weighted factors will be multiplied by the total amount allocated to the counties to determine the county's allocation of funds.
- 2) The remaining funds shall be held by the State for meeting those program contingencies which cannot be reasonably anticipated, (e.g., an unusually high need for energy assistance in any given county) and to meet the local agencies' administrative and/or outreach needs.
- c) The Department shall increase or reduce the allocation for a county for any of the following reasons:
- 1) Changes in federal or state fund availability.
 - 2) Changes in sums available for any fiscal year from the Low Income Home Energy Assistance Block Grant as described in the State's annual plan to HHS.
 - 3) The Department determines that the level of applications, which are eligible under Section 100.120, differs from the local agency's allocation, which is determined pursuant to subsection (b), during the subgrant period for which financial assistance was awarded.
- d) The Department shall make available one-third of the allocation for any county for the provision of assistance described in Section 100.110(a)(1) or (2) to eligible applicant households who are recipients of Temporary Assistance to Needy Families (TANF); General Assistance (GA); Aid to Aged, Blind, and Disabled (AABD); ~~and those with the lowest incomes or who have incomes equal to or less~~

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- ~~than 40% of the OMB Poverty Guidelines.~~
- e) The Department shall notify the designated LAAs of the county allocations for which that agency is eligible to apply. Where no agency has been designated, the county allocations will be included in a request for proposal which shall be publicly advertised in the State newspaper and in at least one local newspaper within the area to be served.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 14838, effective September 2, 2003, for a maximum of 150 days)

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Section 100.APPENDIX A LIHEAP Payment Matrix
EMERGENCY**MATRIX NORTH #1**

<u>2004 PAYMENT MATRIX – NORTH #1 0% - 50%</u>							
<u>FUEL TYPE</u>	<u>DVP</u>	<u>HOUSEHOLD SIZE</u>					
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6 or more</u>
<u>Natural Gas/ Other</u>	<u>Primary</u>	<u>\$565</u>	<u>\$565</u>	<u>\$587</u>	<u>\$632</u>	<u>\$646</u>	<u>\$668</u>
	<u>Secondary</u>	<u>\$160</u>	<u>\$160</u>	<u>\$183</u>	<u>\$205</u>	<u>\$222</u>	<u>\$239</u>
	<u>TOTAL</u>	<u>\$725</u>	<u>\$725</u>	<u>\$770</u>	<u>\$837</u>	<u>\$868</u>	<u>\$907</u>
<u>All Electric</u>	<u>TOTAL</u>	<u>\$419</u>	<u>\$419</u>	<u>\$461</u>	<u>\$505</u>	<u>\$537</u>	<u>\$574</u>
<u>Propane</u>	<u>Primary</u>	<u>\$532</u>	<u>\$532</u>	<u>\$558</u>	<u>\$595</u>	<u>\$623</u>	<u>\$652</u>
	<u>Secondary</u>	<u>\$239</u>	<u>\$239</u>	<u>\$286</u>	<u>\$330</u>	<u>\$356</u>	<u>\$393</u>
	<u>TOTAL</u>	<u>\$771</u>	<u>\$771</u>	<u>\$844</u>	<u>\$925</u>	<u>\$979</u>	<u>\$1,045</u>
<u>Fuel Oil</u>	<u>Primary</u>	<u>\$452</u>	<u>\$452</u>	<u>\$469</u>	<u>\$485</u>	<u>\$502</u>	<u>\$520</u>
	<u>Secondary</u>	<u>\$239</u>	<u>\$239</u>	<u>\$286</u>	<u>\$330</u>	<u>\$356</u>	<u>\$393</u>
	<u>TOTAL</u>	<u>\$691</u>	<u>\$691</u>	<u>\$755</u>	<u>\$815</u>	<u>\$858</u>	<u>\$913</u>
	<u>CASH</u>	<u>\$130</u>	<u>\$130</u>	<u>\$140</u>	<u>\$150</u>	<u>\$160</u>	<u>\$170</u>

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

MATRIX NORTH #2

<u>2004 PAYMENT MATRIX – NORTH #2 51% - 100%</u>							
<u>FUEL TYPE</u>	<u>DVP</u>	<u>HOUSEHOLD SIZE</u>					
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6 or more</u>
<u>Natural Gas/ Other</u>	<u>Primary</u>	<u>\$452</u>	<u>\$452</u>	<u>\$469</u>	<u>\$506</u>	<u>\$517</u>	<u>\$535</u>
	<u>Secondary</u>	<u>\$128</u>	<u>\$128</u>	<u>\$146</u>	<u>\$164</u>	<u>\$178</u>	<u>\$191</u>
	<u>TOTAL</u>	<u>\$580</u>	<u>\$580</u>	<u>\$615</u>	<u>\$670</u>	<u>\$695</u>	<u>\$726</u>
<u>All Electric</u>	<u>TOTAL</u>	<u>\$335</u>	<u>\$335</u>	<u>\$369</u>	<u>\$404</u>	<u>\$430</u>	<u>\$459</u>
<u>Propane</u>	<u>Primary</u>	<u>\$426</u>	<u>\$426</u>	<u>\$446</u>	<u>\$476</u>	<u>\$499</u>	<u>\$522</u>
	<u>Secondary</u>	<u>\$191</u>	<u>\$191</u>	<u>\$229</u>	<u>\$264</u>	<u>\$285</u>	<u>\$314</u>
	<u>TOTAL</u>	<u>\$617</u>	<u>\$617</u>	<u>\$675</u>	<u>\$740</u>	<u>\$784</u>	<u>\$836</u>
<u>Fuel Oil</u>	<u>Primary</u>	<u>\$361</u>	<u>\$361</u>	<u>\$375</u>	<u>\$388</u>	<u>\$402</u>	<u>\$416</u>
	<u>Secondary</u>	<u>\$191</u>	<u>\$191</u>	<u>\$229</u>	<u>\$264</u>	<u>\$285</u>	<u>\$314</u>
	<u>TOTAL</u>	<u>\$552</u>	<u>\$552</u>	<u>\$604</u>	<u>\$652</u>	<u>\$687</u>	<u>\$730</u>
	<u>CASH</u>	<u>\$104</u>	<u>\$104</u>	<u>\$112</u>	<u>\$120</u>	<u>\$128</u>	<u>\$136</u>

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

MATRIX SOUTH #1

<u>2004 PAYMENT MATRIX – SOUTH #1 0% - 50%</u>							
		<u>HOUSEHOLD SIZE</u>					
<u>FUEL TYPE</u>	<u>DVP</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6 or more</u>
<u>Natural Gas/ Other</u>	<u>Primary</u>	<u>\$493</u>	<u>\$493</u>	<u>\$514</u>	<u>\$554</u>	<u>\$568</u>	<u>\$588</u>
	<u>Secondary</u>	<u>\$135</u>	<u>\$135</u>	<u>\$155</u>	<u>\$174</u>	<u>\$189</u>	<u>\$203</u>
	<u>TOTAL</u>	<u>\$628</u>	<u>\$628</u>	<u>\$669</u>	<u>\$728</u>	<u>\$757</u>	<u>\$791</u>
<u>All Electric</u>	<u>TOTAL</u>	<u>\$348</u>	<u>\$348</u>	<u>\$385</u>	<u>\$425</u>	<u>\$452</u>	<u>\$484</u>
<u>Propane</u>	<u>Primary</u>	<u>\$389</u>	<u>\$389</u>	<u>\$399</u>	<u>\$409</u>	<u>\$418</u>	<u>\$443</u>
	<u>Secondary</u>	<u>\$205</u>	<u>\$205</u>	<u>\$248</u>	<u>\$285</u>	<u>\$309</u>	<u>\$340</u>
	<u>TOTAL</u>	<u>\$594</u>	<u>\$594</u>	<u>\$647</u>	<u>\$694</u>	<u>\$727</u>	<u>\$783</u>
<u>Fuel Oil</u>	<u>Primary</u>	<u>\$379</u>	<u>\$379</u>	<u>\$394</u>	<u>\$407</u>	<u>\$422</u>	<u>\$437</u>
	<u>Secondary</u>	<u>\$205</u>	<u>\$205</u>	<u>\$248</u>	<u>\$285</u>	<u>\$309</u>	<u>\$340</u>
	<u>TOTAL</u>	<u>\$584</u>	<u>\$584</u>	<u>\$642</u>	<u>\$692</u>	<u>\$731</u>	<u>\$777</u>
	<u>CASH</u>	<u>\$110</u>	<u>\$110</u>	<u>\$115</u>	<u>\$125</u>	<u>\$135</u>	<u>\$140</u>

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

MATRIX SOUTH #2

<u>2004 PAYMENT MATRIX – SOUTH #2 51% - 100%</u>							
<u>FUEL TYPE</u>	<u>DVP</u>	<u>HOUSEHOLD SIZE</u>					
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6 or more</u>
<u>Natural Gas/ Other</u>	<u>Primary</u>	<u>\$394</u>	<u>\$394</u>	<u>\$411</u>	<u>\$444</u>	<u>\$454</u>	<u>\$470</u>
	<u>Secondary</u>	<u>\$108</u>	<u>\$108</u>	<u>\$124</u>	<u>\$139</u>	<u>\$151</u>	<u>\$162</u>
	<u>TOTAL</u>	<u>\$502</u>	<u>\$502</u>	<u>\$535</u>	<u>\$583</u>	<u>\$605</u>	<u>\$632</u>
<u>All Electric</u>	<u>TOTAL</u>	<u>\$278</u>	<u>\$278</u>	<u>\$308</u>	<u>\$340</u>	<u>\$361</u>	<u>\$387</u>
<u>Propane</u>	<u>Primary</u>	<u>\$312</u>	<u>\$312</u>	<u>\$319</u>	<u>\$327</u>	<u>\$335</u>	<u>\$354</u>
	<u>Secondary</u>	<u>\$164</u>	<u>\$164</u>	<u>\$198</u>	<u>\$228</u>	<u>\$247</u>	<u>\$272</u>
	<u>TOTAL</u>	<u>\$476</u>	<u>\$476</u>	<u>\$517</u>	<u>\$555</u>	<u>\$582</u>	<u>\$626</u>
<u>Fuel Oil</u>	<u>Primary</u>	<u>\$303</u>	<u>\$303</u>	<u>\$315</u>	<u>\$326</u>	<u>\$338</u>	<u>\$349</u>
	<u>Secondary</u>	<u>\$164</u>	<u>\$164</u>	<u>\$198</u>	<u>\$228</u>	<u>\$247</u>	<u>\$272</u>
	<u>TOTAL</u>	<u>\$467</u>	<u>\$467</u>	<u>\$513</u>	<u>\$554</u>	<u>\$585</u>	<u>\$621</u>
	<u>CASH</u>	<u>\$100</u>	<u>\$100</u>	<u>\$100</u>	<u>\$100</u>	<u>\$108</u>	<u>\$112</u>

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

**DIRECT VENDOR/CASH PAYMENTS
NORTHERN**

2003 PAYMENT MATRIX—NORTH #1		0%—40% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/	Primary	\$364	\$422	\$438	\$473	\$483	\$—500
Other	Secondary	\$103	\$161	\$184	\$206	\$223	\$—240
	TOTAL	\$467	\$583	\$626	\$679	\$706	\$—740
All Electric	TOTAL	\$293	\$418	\$460	\$505	\$537	\$—573
Propane	Primary	\$326	\$512	\$536	\$572	\$599	\$—628
	Secondary	\$146	\$240	\$288	\$332	\$359	\$—395
	TOTAL	\$472	\$752	\$824	\$904	\$958	\$1,023
Fuel Oil	Primary	\$300	\$416	\$431	\$434	\$463	\$—478
	Secondary	\$146	\$240	\$288	\$332	\$359	\$—395
	TOTAL	\$446	\$656	\$719	\$766	\$822	\$—873
	CASH	\$130	\$130	\$140	\$150	\$160	\$—170

2003 PAYMENT MATRIX—NORTH #2		41%—80% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/	Primary	\$302	\$350	\$364	\$392	\$401	\$415
Other	Secondary	\$—85	\$133	\$153	\$171	\$185	\$199
	TOTAL	\$387	\$483	\$517	\$563	\$586	\$614
All Electric	TOTAL	\$244	\$347	\$382	\$419	\$446	\$475
Propane	Primary	\$271	\$425	\$445	\$475	\$498	\$521
	Secondary	\$121	\$199	\$239	\$275	\$298	\$328
	TOTAL	\$392	\$624	\$684	\$750	\$796	\$849
Fuel Oil	Primary	\$249	\$345	\$358	\$361	\$384	\$397
	Secondary	\$121	\$199	\$239	\$275	\$298	\$328
	TOTAL	\$370	\$544	\$597	\$636	\$682	\$725
	CASH	\$108	\$108	\$116	\$125	\$133	\$141

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

2003 PAYMENT MATRIX—NORTH #3		81%—125% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$240	\$278	\$289	\$312	\$319	\$330
	Secondary	\$ 68	\$106	\$122	\$136	\$147	\$158
	TOTAL	\$308	\$384	\$411	\$448	\$466	\$488
All Electric	TOTAL	\$194	\$276	\$304	\$333	\$354	\$378
Propane	Primary	\$215	\$338	\$354	\$378	\$396	\$414
	Secondary	\$ 96	\$158	\$190	\$219	\$237	\$261
	TOTAL	\$311	\$496	\$544	\$597	\$633	\$675
Fuel Oil	Primary	\$198	\$274	\$284	\$287	\$305	\$316
	Secondary	\$ 96	\$158	\$190	\$219	\$237	\$261
	TOTAL	\$294	\$432	\$474	\$506	\$542	\$577
	CASH	\$ 86	\$ 86	\$ 92	\$ 99	\$106	\$112

2003 PAYMENT MATRIX—NORTH #4		126%—150% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$182	\$211	\$219	\$236	\$242	\$250
	Secondary	\$ 51	\$ 80	\$ 92	\$103	\$112	\$120
	TOTAL	\$233	\$291	\$311	\$339	\$354	\$370
All Electric	TOTAL	\$147	\$209	\$230	\$252	\$269	\$287
Propane	Primary	\$163	\$256	\$268	\$286	\$300	\$314
	Secondary	\$ 73	\$120	\$144	\$166	\$179	\$198
	TOTAL	\$236	\$376	\$412	\$452	\$479	\$512
Fuel Oil	Primary	\$150	\$208	\$215	\$217	\$231	\$239
	Secondary	\$ 73	\$120	\$144	\$166	\$179	\$198
	TOTAL	\$223	\$328	\$359	\$383	\$410	\$437
	CASH	\$ 75	\$ 75	\$ 75	\$ 75	\$ 80	\$ 85

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

DIRECT VENDOR/CASH PAYMENTS
SOUTHERN

2003 PAYMENT MATRIX—SOUTH #1		0%—40% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/	Primary	\$380	\$442	\$461	\$497	\$509	\$528
Other	Secondary	\$89	\$139	\$160	\$179	\$194	\$208
	TOTAL	\$469	\$581	\$621	\$676	\$703	\$736
All Electric	TOTAL	\$246	\$354	\$392	\$433	\$460	\$493
Propane	Primary	\$233	\$374	\$384	\$393	\$403	\$425
	Secondary	\$128	\$210	\$254	\$292	\$316	\$348
	TOTAL	\$361	\$584	\$638	\$685	\$719	\$773
Fuel Oil	Primary	\$253	\$351	\$364	\$377	\$390	\$404
	Secondary	\$128	\$210	\$254	\$292	\$316	\$348
	TOTAL	\$381	\$561	\$618	\$669	\$706	\$752
	CASH	\$105	\$110	\$115	\$125	\$135	\$140

2003 PAYMENT MATRIX—SOUTH #2		41%—80% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/	Primary	\$316	\$367	\$383	\$412	\$422	\$438
Other	Secondary	\$74	\$115	\$132	\$148	\$161	\$172
	TOTAL	\$390	\$482	\$515	\$560	\$583	\$610
All Electric	TOTAL	\$204	\$294	\$326	\$360	\$382	\$409
Propane	Primary	\$194	\$311	\$319	\$326	\$334	\$353
	Secondary	\$106	\$174	\$211	\$243	\$262	\$289
	TOTAL	\$300	\$485	\$530	\$589	\$596	\$642
Fuel Oil	Primary	\$210	\$291	\$302	\$313	\$324	\$335
	Secondary	\$106	\$174	\$211	\$243	\$262	\$289
	TOTAL	\$316	\$465	\$513	\$556	\$586	\$624
	CASH	\$87	\$91	\$95	\$104	\$112	\$116

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

2003 PAYMENT MATRIX—SOUTH #3		81%—125% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$251	\$291	\$305	\$328	\$336	\$348
	Secondary	\$-59	\$-91	\$105	\$118	\$128	\$137
	TOTAL	\$310	\$382	\$410	\$446	\$464	\$485
All Electric	TOTAL	\$162	\$234	\$259	\$286	\$304	\$325
Propane	Primary	\$154	\$247	\$253	\$259	\$266	\$280
	Secondary	\$-84	\$139	\$168	\$193	\$209	\$230
	TOTAL	\$238	\$386	\$421	\$452	\$475	\$510
Fuel Oil	Primary	\$167	\$232	\$240	\$249	\$257	\$267
	Secondary	\$-84	\$139	\$168	\$193	\$209	\$230
	TOTAL	\$251	\$371	\$408	\$442	\$466	\$497
	CASH	\$-75	\$-75	\$-76	\$-83	\$-89	\$-92

2003 PAYMENT MATRIX—SOUTH #4		126%—150% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$190	\$221	\$231	\$248	\$254	\$264
	Secondary	\$-44	\$-69	\$-80	\$-89	\$-97	\$104
	TOTAL	\$234	\$290	\$311	\$337	\$351	\$368
All Electric	TOTAL	\$123	\$177	\$196	\$217	\$230	\$246
Propane	Primary	\$117	\$187	\$192	\$197	\$201	\$212
	Secondary	\$-64	\$105	\$127	\$146	\$158	\$174
	TOTAL	\$181	\$292	\$319	\$343	\$359	\$386
Fuel Oil	Primary	\$127	\$176	\$182	\$188	\$195	\$202
	Secondary	\$-64	\$105	\$127	\$146	\$158	\$174
	TOTAL	\$191	\$281	\$309	\$334	\$353	\$376
	CASH	\$-75	\$-75	\$-75	\$-75	\$-75	\$-75

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 14838, effective September 2, 2003, for a maximum of 150 days)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Boiler and Pressure Vessel Safety
- 2) Code Citation: 41 Ill. Adm. Code 120
- 3) Section Numbers: 120.15 Emergency Action: Amendment
- 4) Statutory Authority: Boiler and Pressure Vessel Safety Act [430 ILCS 75]
- 5) Effective Date of Emergency Amendment(s): September 2, 2003
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.
- 7) Date Filed with the Index Department: September 2, 2003
- 8) Reason for Emergency: In order to provide for the expeditious and timely implementation of the State's fiscal year 2004 budget.
- 9) A complete Description of the Subjects and Issues Involved: All Certificate of Inspection fees were increased from \$35 to \$70.
- 10) Are there any Proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: None
- 12) Information and questions regarding this (these) rule(s) shall be directed to:

David Douin, Director
Division of Boiler & Pressure Vessel Safety
1035 Stevenson Dr.
Springfield, Illinois 62703-4259
217-785-1006.

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENT
TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHALPART 120
BOILER AND PRESSURE VESSEL SAFETY

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section

- 120.4 Foreward (Repealed)
120.7 Kindly Observe the Following Briefs and Avoid Unnecessary Inconvenience (Repealed)
120.10 Definitions
120.11 Incorporation of National Standards
120.15 Fees
EMERGENCY
120.20 Administration
120.30 Inspectors, Examinations, Certificate of Competency and Commission
120.41 Special Inspector Trainee (Repealed)

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

Section

- 120.100 New Installations of Boilers, Miniature Boilers, Heating Boilers and Hot Water Supply Boilers
120.105 Boiler Exemptions
120.200 New Installations of Pressure Vessels
120.205 Pressure Vessel Exemptions
120.300 Existing Installations of Power Boilers
120.400 Existing Installations of Miniature Boilers (Repealed)
120.500 Operation of Boilers and Pressure Vessels
120.600 Existing Installation of Pressure Vessels
120.700 General Requirements for all Boilers and Pressure Vessels (Repealed)
120.800 Nuclear Power Plant Components (Repealed)
120.900 Flame Safeguard Requirements and Incorporated Standards (Repealed)

SUBPART C: REPAIR AND ALTERATION

Section

- 120.1000 Repairs and Alterations to Boilers and Pressure Vessels by Welding

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENT

- 120.1010 Authorization to Repair Boilers and Pressure Vessels
- 120.1020 Issuance and Renewal of the Certificate
- 120.1030 Changes to Certificates of Authorization
- 120.1040 Quality Control Requirements
- 120.1041 Repair and Alteration Requirements

SUBPART D: STATE SPECIALS

Section

- 120.1100 Procedure for the Issuance of a State Special Permit

SUBPART E: REPAIR OF SAFETY AND SAFETY RELIEF VALVES

Section

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

SUBPART F: OWNER-USER QUALITY CONTROL REQUIREMENTS

Section

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENT

- 120.1355 Records
- 120.1360 Inspectors

- 120.APPENDIX A Operational and Maintenance Log
 - 120.EXHIBIT A Hot Water Heating Boilers
 - 120.EXHIBIT B Steam Heating Boilers
- 120.APPENDIX B Record of Welded Repair (Repealed)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] and authorized by Section 2 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2].

SOURCE: Boiler and Pressure Vessel Safety Act Rules and Regulations adopted at 4 Ill. Reg. 7, p. 126, effective January 31, 1980; codified at 5 Ill. Reg. 10677; amended at 7 Ill. Reg. 6925, effective July 1, 1983; amended at 10 Ill. Reg. 9510, effective July 1, 1985; amended at 11 Ill. Reg. 16587, effective January 1, 1988; amended at 16 Ill. Reg. 6808, effective July 1, 1992; amended at 17 Ill. Reg. 14917, effective September 1, 1993; amended at 19 Ill. Reg. 11904, effective August 15, 1995; amended at 20 Ill. Reg. 9540, effective July 3, 1996; amended at 21 Ill. Reg. 997, effective January 1, 1997; amended at 23 Ill. Reg. 162, effective January 1, 1999; amended at 24 Ill. Reg. 18555, effective December 7, 2000; amended at 25 Ill. Reg. 11914, effective January 1, 2002; amended at 27 Ill. Reg. 518, effective January 1, 2003; emergency amendment at 27 Ill. Reg. 14855, effective September 2, 2003, for a maximum of 150 days.

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

Section 120.15 Fees
EMERGENCY

As authorized by the Boiler and Pressure Vessel Safety Act, the Board hereby establishes the following fees to be collected for services rendered:

Examinations.....	\$30
Commissions	
New Issuance	\$25
Renewal.....	\$15
All Certificates of Inspection	\$7035

Inspections conducted by the Division
High Pressure and High Temperature Water Boilers

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENT

Boilers without a manhole.....	\$30
Boilers with a manhole.....	\$60
Low Pressure Steam and Water Boilers	
Boilers without a manhole.....	\$30
Boilers with a manhole.....	\$60
Hot water supply boilers.....	\$30

No more than \$120 shall be charged for one boiler in any one year.

Pressure Vessels

Fees are based on the product of the overall length times the width or diameter of the vessel expressed in square feet.

50 sq. ft. or less	\$25
51 sq. ft. to 150 sq. ft.....	\$50
over 150 sq. ft.....	\$75

No more than \$120 shall be charged for any one pressure vessel in any one year.

Annual Statements (Owner-Users) \$35 per vessel

Miscellaneous

Witness a hydrostatic test.....	\$100
Joint reviews, audits, shop inspections	
½ day	\$300
Full day.....	\$500

Plus expenses, including travel and lodging.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 14855, effective September 2, 2003, for a maximum of 150 days)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Illinois Future Teacher Corps (IFTC) Program
- 2) Code Citation: 23 Ill. Adm. Code 2764
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
2764.10	Amendment
2764.20	Amendment
2764.30	Amendment
2764.40	Amendment
- 4) Statutory Authority: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILC 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].
- 5) Effective Date of Amendments: September 10, 2003
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency amendments will expire when the proposed amendments are adopted.
- 7) Date Filed with the Index Department: September 2, 2003
- 8) A copy of these 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 Public Act 93-0021, effective July 1, 2003, which modified the existing ITEACH Teacher Shortage Scholarship Program to create the Illinois Future Teacher Corps (IFTC) Program. Emergency action is needed in order to permit the timely performance of activities necessary to implement IFTC for the 2003-2004 academic year.
- 10) A Complete Description of the Subjects and Issues Involved: These emergency amendments govern the administration of the new Illinois Future Teacher Corps (IFTC) Program. The rulemaking sets forth the applicant eligibility requirements, program procedures, and institutional procedures. ISAC intends to adopt permanent amendments through the regular rulemaking process prior to the expiration of these emergency rules.
- 11) Are there any proposed amendments to the Part pending? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 13) Information and questions regarding these emergency amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2764

ILLINOIS FUTURE TEACHER CORPS (IFTC) ~~ITEACH TEACHER SHORTAGE~~
SCHOLARSHIP PROGRAM

Section

2764.10 Summary and Purpose

EMERGENCY

2764.20 Applicant Eligibility

EMERGENCY

2764.30 Program Procedures

EMERGENCY

2764.40 Institutional Procedures

EMERGENCY

AUTHORITY: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days; emergency expired on June 30, 1995; adopted at 19 Ill. Reg. 11367, effective August 1, 1995; amended at 20 Ill. Reg. 9141, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11029, effective July 18, 1997; amended at 22 Ill. Reg. 11043, effective July 1, 1998; amended at 24 Ill. Reg. 9095, effective July 1, 2000; amended at 27 Ill. Reg. 10395, effective July 1, 2003; emergency amendment at 27 Ill. Reg. 14860, effective September 10, 2003, for a maximum of 150 days.

Section 2764.10 Summary and Purpose**EMERGENCY**

- a) *The Illinois Future Teacher Corps (IFTC) Program encourages academically talented Illinois students, especially minority students, to pursue teaching careers, especially in teacher shortage disciplines or at hard-to-staff schools.* ~~The ITEACH Teacher Shortage Scholarship encourages academically talented students to pursue careers as public, private or parochial preschool, elementary and secondary school teachers in disciplines that have been designated as teacher shortage disciplines in the State of Illinois with a priority given to minority students.~~

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

- b) This Part establishes the rules which govern the IFTC ITEACH Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 14860, effective September 10, 2003, for a maximum of 150 days)

Section 2764.20 Applicant Eligibility**EMERGENCY**

- a) ~~A qualified applicant shall be~~A qualified applicant shall be:
- 1) ~~a United States citizen or eligible noncitizen~~a United States citizen or eligible noncitizen;
 - 2) ~~a resident of Illinois~~a resident of Illinois;
 - 3) ~~a high school graduate or a person who has received a General Educational Development (GED) Certificate~~a high school graduate or a person who has received a General Educational Development (GED) Certificate;
 - 4) ~~enrolled, or accepted for enrollment, at or above the junior level, on at least a half-time basis at an Illinois institution of higher learning~~enrolled, or accepted for enrollment, on at least a half-time basis at an institution of higher learning; and
 - 5) ~~pursuing a postsecondary course of study leading to initial teacher certification or taking additional courses needed to gain Illinois State Board of Education (ISBE) approval to teach, including alternative teacher certification~~pursuing a postsecondary course of study leading to initial certification in a teacher shortage discipline or taking additional courses needed to gain Illinois State Board of Education (ISBE) approval to teach, including alternative teacher certification, in an approved specialized teacher shortage program.
- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship Program (23 Ill. Adm. Code 2763), or the Special Education Teacher Tuition Waiver Program (23 Ill. Adm. Code 2765), the qualified applicant shall not be eligible for scholarship assistance under this Part.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 14860, effective September 10, 2003, for a maximum of 150 days)

Section 2764.30 Program Procedures

ILLINOIS STUDENT ASSISTANCE COMMISSION

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EMERGENCY

- a) All applicants must complete and file the form which the U.S. Department of Education (ED) designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC) which is used as a selection criterion for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 1070a).)
- b) A completed ISAC application for the ~~IFTC ITEACH Teacher Shortage Scholarship~~ Program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.
 - 1) ISAC applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) ISAC will make renewal applications available to all qualified students who received assistance under this Part ITEACH Teacher Shortage Scholarships during the preceding academic year.
 - 3) If the student section of an ISAC application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- c) ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria:
 - 1) cumulative grade point averages, prioritized from the highest to the lowest. All grade point averages will be converted to a four-point scale;
 - 2) Expected Family Contribution (EFC), from the lowest to the highest;
 - 3) minority students shall receive priority consideration; and
 - 4) recipients of assistance under this Part ITEACH during the previous academic year shall receive first priority consideration provided the student:
 - A) continues to maintain a cumulative grade point average of no less than 2.5 on a 4.0 scale;
 - B) maintains his or her status as a qualified applicant, as outlined in Section 2764.20(a) of this Part, Applicant Eligibility;
 - C) maintains satisfactory academic progress as determined by the institution; and
 - D) has submitted an application on a timely basis.
 - 5) Preference may also be given to qualified applicants enrolled in teacher shortage disciplines, which shall include early childhood education~~at or~~

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- ~~above the junior level.~~
- d) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.
- e) A recipient may receive up to ~~612~~ 48 semesters/~~612~~ quarters of scholarship assistance under this program.
- f) Scholarship funds are applicable toward two semesters/three quarters of half-time and full-time study within an academic year.
- g) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.
- h) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors and scholarship amounts established by this Section.
- i) ISAC shall publish guidelines for the awarding of ~~IFTC scholarships~~ ITEACH Teacher Shortage Scholarships.
- j) Notice of eligibility shall be sent by ISAC to each qualified applicant who is selected to receive an ~~IFTC scholarship~~ ITEACH Scholarship. A notice will be sent by ISAC to each qualified applicant who is not selected to receive an ~~IFTC scholarship~~ ITEACH Scholarship.
- k) Prior to receiving scholarship assistance for any academic year, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
- 1) the recipient pledges to teach, on a full-time basis, ~~in a teacher shortage discipline~~ for a period of not less than five years and in accordance with any additional commitment to teach in a teacher shortage discipline and/or at a hard-to-staff school, as applicable one year for each year of scholarship aid received or for any portion of a year for which aid was received, under this Part;
 - 2) the recipient shall begin teaching within one year following completion of the postsecondary education degree or certificate program for which the scholarship was awarded, and shall teach on a continuous basis for the required period of time;
 - 3) the teaching requirement will be fulfilled at an Illinois public, private or parochial preschool, or an Illinois public elementary or secondary school and if the award made under this Part was for teaching at a hard-to-staff school, the school must qualify for teacher loan cancellation under Section 465(a)(2)(A) of the HEA (See 20 USCA 1087ee.);
 - 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to five percent and, if applicable, reasonable collection fees;
- 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use the proceeds of the scholarship for educational expenses.
- l) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2764.30(k) during period in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces; or
 - 2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning; or
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a qualified physician; or
 - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (k)(3) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact;~~;~~ ~~or~~
 - 5) ~~is taking additional courses, on at least a half-time basis, needed to gain ISBE approval to teach in a specialized teacher shortage discipline.~~
- m) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces; or
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician; or
 - 3) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years; or
 - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or
 - 5) withdraws from a course of study leading to certification/approval in a teacher shortage discipline, but is enrolled at least half-time as an undergraduate for one continuous period of time not to exceed three years.
- n) During the time a recipient qualifies for any of the extensions listed in subsection (m) of this Section, he or she shall not be required to make payments and interest

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- shall not accrue.
- o) A recipient shall enter repayment status on the earliest of the following dates:
 - 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher ~~in a designated teacher shortage discipline~~, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that ~~he or she s/he~~ does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.
 - p) A recipient shall not be required to repay the amount of the scholarship(s) received if ~~he or she s/he~~ becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
 - q) Renewal recipients may receive a subsequent award even if their discipline is no longer on the approved list of teacher shortage disciplines.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 14860, effective September 10, 2003, for a maximum of 150 days)

Section 2764.40 Institutional Procedures**EMERGENCY**

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.
- b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment.
- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
- e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses

ILLINOIS STUDENT ASSISTANCE COMMISSION

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due and payable. The balance of the disbursement shall be released to the recipient.

- f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.
- g) Scholarship Amount
- 1) ~~IFTC scholarships ITEACH Teacher Shortage Scholarships~~ are applicable only toward tuition, fees and room and board charges or commuter allowances, if applicable.
 - 2) The annual scholarship amount shall be computed by the institution and be the lesser of:
 - A) tuition and fees plus room and board expenses charged by the institution;
 - B) tuition and fees plus the institution's standard cost of living allowance for students living off-campus; ~~or~~
 - C) an amount not to exceed \$5000;-
 - D) an amount not to exceed \$10,000, subject to appropriation, if the student is pursuing a course of study necessary to teach in a teacher shortage discipline in which he or she commits to teach, or has made a commitment to teach at a hard-to-staff school; or
 - E) an amount not to exceed \$15,000, subject to appropriation, if the student is pursuing a course of study necessary to teach in a teacher shortage discipline in which he or she commits to teach, and has also made a commitment to teach at a hard-to-staff school.
 - 3) The total amount of ~~IFTC scholarship ITEACH Teacher Shortage Scholarship~~ assistance awarded to a qualified applicant in a given academic year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
 - 4) A qualified applicant may receive grant assistance under the Monetary Award Program only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the ~~IFTC scholarship ITEACH Teacher Shortage Scholarship~~.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 14860, effective September 10, 2003, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AIDNOTICE OF AGENCY RESPONSE TO MEET THE RECOMMENDATION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:
140.420
140.421
Table D
- 4) Notice of Proposed Amendments Published in the Illinois Register: March 14, 2003 (27 Ill. Reg. 4470)
- 5) JCAR Statement of Recommendation on Proposed Rulemaking Published in the Illinois Register: September 5, 2003 (27 Ill. Reg. 14377)
- 6) Summary of Action Taken by the Agency: At its meeting on August 12, 2003, the Joint Committee on Administrative Rules considered the above cited rulemaking and issued a recommendation that the Department should be more timely in its rulemaking efforts so that its rules accurately reflect the services being provided.

The Department is in full agreement with the Joint Committee regarding timely rulemaking and the need for rules to accurately reflect covered services. The Department will make a conscientious effort to pursue the recommended action.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notice was received by the Joint Committee on Administrative Rules during the period of September 2, 2003 through September 8, 2003 and has been scheduled for review by the Committee at its October 14, 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>
10/17/03	<u>Department of Public Health, Community- Based Residential Rehabilitation Center Demonstration Program Code (77 Ill. Adm. Code 220)</u>	5/2/03 27 Ill. Reg. 7591	10/14/03

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF SUSPENSION 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 suspended the license of PSB Lending Corporation, License No. 5186 of Plano, TX, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 19, 2003.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF SUSPENSION 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 suspended the license of Comprehensive Mortgage, Inc., License No. 5429 of Matteson, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 19, 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 Green Referral Ltd., License No. #5463 of LaGrange, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 19, 2003.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF SUSPENSION 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 suspended the license of Relocation Financial Services, Inc., License No. 2044 of Nowell, MA, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 19, 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 \$5,000 against Ocean West Funding, License No. 6140 of Tustin, CA, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 13, 2003.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF SUSPENSION 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 suspended the license of Quality Funding Services, Inc., License No. 3014 of Palos Hills, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 19, 2003.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF SUSPENSION 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 suspended the license of Markee Financial Group, Inc., License No. 6602 of Cheyenne, WY, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 19, 2003.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Rules
- 2) Code Citation: 35 Ill. Adm. Code 101
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
101.106	Amend
101.202	Amend
101.300	Amend
101.302	Amend
101.304	Amend
101.306	Amend
101.1000	Add
101.1002	Add
101.1004	Add
101.1006	Add
101.1008	Add
101.1010	Add
101.1012	Add
101.1014	Add
101.APPENDIX F	Amend
101.APPENDIX G	Repeal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: December 2, 2002 at 26 Ill. Reg. 17034
- 5) Reason for the Withdrawal: In this rulemaking, the Board proposed amendments to its procedural rules to accomplish two primary objectives: (1) allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line or "COOL;" and (2) reflect amendments to the Environmental Protection Act in P.A. 92-574, and to the Administrative Procedure Act in P.A. 92-330. However, since the Board filed this rulemaking for first notice legislative changes to the Environmental Protection Act (415 ILCS 5 (2002)) in P.A. 93-0152, (effective July 10, 2003) have necessitated additional amendments to the Board's procedural and administrative rules. These amendments include (1) having the Illinois Environmental Protection Agency rather than the Board issue provisional variances, (2) allowing the Board to adopt settlements in citizen enforcement actions without a public hearing, and (3) a new rulemaking procedure for updating incorporations by reference. In order to minimize confusion, the Board has decided to withdraw this current rulemaking and propose another with all of the amendments incorporated into one proposal.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

Questions regarding this matter may be referred to Richard McGill at 312/814-6983.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulatory and Informational Hearings and Proceedings
- 2) Code Citation: 35 Ill. Adm. Code 102
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
102.200	Amend
102.202	Amend
102.206	Amend
102.208	Amend
102.210	Amend
102.302	Amend
102.416	Amend
102.422	Amend
102.424	Amend
102.810	Amend
102.820	Amend
102.Appendix A	Repeal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: December 2, 2002 at 26 Il. Reg. 17070
- 5) Reason for the Withdrawal: In this rulemaking (Docket R03-10), the Board proposed amendments to its procedural rules to accomplish two primary objectives: (1) allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line or "COOL;" and (2) reflect amendments to the Environmental Protection Act (415 ILCS 5) in P.A. 92-574, and to the Administrative Procedure Act (5 ILCS 100) in P.A. 92-330. However, since then, additional legislative changes have been made to the Environmental Protection Act. This recent legislation will require additional substantive as well as technical amendments to the Board's procedural rules.

Substantive changes needed include those required by P.A. 93-0152, effective July 10, 2003. These amendments include (1) having the Illinois Environmental Protection Agency rather than the Board issue provisional variances, (2) allowing the Board to adopt settlements in citizen enforcement actions without a public hearing, and (3) creating a new rulemaking procedure for updating incorporations by reference.

To minimize any confusion that could be caused by having open several proceedings to amend the procedural rules, the Board has decided to withdraw the Docket R03-10 rulemaking and propose another with all of the amendments incorporated into one proposal. The Board opened Docket R04-8 for this purpose in its August 21, 2003 order.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

Questions regarding this notice may be directed to Richard McGill at 312/814-6983.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Enforcement
- 2) Code Citation: 35 Ill. Adm. Code 103
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
103.204	Amend
103.212	Amend
103.404	Amend
103.410	Amend
103.414	Amend
103.Appendix A	Repeal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: December 2, 2002 at 26 Ill. Reg. 17087
- 5) Reason for the Withdrawal: In this rulemaking (Docket R03-10), the Board proposed amendments to its procedural rules to accomplish two primary objectives: (1) allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line or "COOL;" and (2) reflect amendments to the Environmental Protection Act (415 ILCS 5) in P.A. 92-574, and to the Administrative Procedure Act (5 ILCS 100) in P.A. 92-330. However, since then, additional legislative changes have been made to the Environmental Protection Act. This recent legislation will require additional substantive as well as technical amendments to the Board's procedural rules.

Substantive changes needed include those required by P.A. 93-0152, effective July 10, 2003. These amendments include (1) having the Illinois Environmental Protection Agency rather than the Board issue provisional variances, (2) allowing the Board to adopt settlements in citizen enforcement actions without a public hearing, and (3) creating a new rulemaking procedure for updating incorporations by reference.

To minimize any confusion that could be caused by having open several proceedings to amend the procedural rules, the Board has decided to withdraw the Docket R03-10 rulemaking and propose another with all of the amendments incorporated into one proposal. The Board opened Docket R04-8 for this purpose in its August 21, 2003 order.

Questions regarding this notice may be directed to Richard McGill at 312/814-6983.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulatory Relief Mechanisms
- 2) Code Citation: 35 Ill. Adm. Code 104
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
104.214	Amend
104.216	Amend
104.224	Amend
104.408	Amend
104.420	Amend
APPENDIX A	Repeal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: December 2, 2002 at 26 Ill. Reg. 17097
- 5) Reason for the Withdrawal: In this rulemaking (Docket R03-10), the Board proposed amendments to its procedural rules to accomplish two primary objectives: (1) allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line or "COOL;" and (2) reflect amendments to the Environmental Protection Act (415 ILCS 5) in P.A. 92-574, and to the Administrative Procedure Act (5 ILCS 100) in P.A. 92-330. However, since then, additional legislative changes have been made to the Environmental Protection Act. This recent legislation will require additional substantive as well as technical amendments to the Board's procedural rules.

Substantive changes needed include those required by P.A. 93-0152, effective July 10, 2003. These amendments include (1) having the Illinois Environmental Protection Agency rather than the Board issue provisional variances, (2) allowing the Board to adopt settlements in citizen enforcement actions without a public hearing, and (3) creating a new rulemaking procedure for updating incorporations by reference.

To minimize any confusion that could be caused by having open several proceedings to amend the procedural rules, the Board has decided to withdraw the Docket R03-10 rulemaking and propose another with all of the amendments incorporated into one proposal. The Board opened Docket R04-8 for this purpose in its August 21, 2003 order.

Questions regarding this notice may be directed to Richard McGill at 312/814-6983.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Appeals of Final Decisions of State Agencies
- 2) Code Citation: 35 Ill. Adm. Code 105
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
105.116	Amend
105.214	Amend
105.504	Amend
APPENDIX B	Repeal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: December 2, 2002 at 26 Ill. Reg. 17109
- 5) Reason for the Withdrawal: In this rulemaking (Docket R03-10), the Board proposed amendments to its procedural rules to accomplish two primary objectives: (1) allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line or "COOL;" and (2) reflect amendments to the Environmental Protection Act (415 ILCS 5) in P.A. 92-574, and to the Administrative Procedure Act (5 ILCS 100) in P.A. 92-330. However, since then, additional legislative changes have been made to the Environmental Protection Act. This recent legislation will require additional substantive as well as technical amendments to the Board's procedural rules.

Substantive changes needed include those required by P.A. 93-0152, effective July 10, 2003. These amendments include (1) having the Illinois Environmental Protection Agency rather than the Board issue provisional variances, (2) allowing the Board to adopt settlements in citizen enforcement actions without a public hearing, and (3) creating a new rulemaking procedure for updating incorporations by reference.

To minimize any confusion that could be caused by having open several proceedings to amend the procedural rules, the Board has decided to withdraw the Docket R03-10 rulemaking and propose another with all of the amendments incorporated into one proposal. The Board opened Docket R04-8 for this purpose in its August 21, 2003 order.

Questions regarding this notice may be directed to Richard McGill at 312/814-6983.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Proceedings Pursuant to Specific Rules or Statutory Provisions
- 2) Code Citation: 35 Ill. Adm. Code 106
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
106.707	Amend
106.708	Amend
106.720	Amend
APPENDIX A	Repeal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: December 2, 2002 at 26 Ill. Reg. 17117
- 5) Reason for the Withdrawal: In this rulemaking (Docket R03-10), the Board proposed amendments to its procedural rules to accomplish two primary objectives: (1) allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line or "COOL;" and (2) reflect amendments to the Environmental Protection Act (415 ILCS 5) in P.A. 92-574, and to the Administrative Procedure Act (5 ILCS 100) in P.A. 92-330. However, since then, additional legislative changes have been made to the Environmental Protection Act. This recent legislation will require additional substantive as well as technical amendments to the Board's procedural rules.

Substantive changes needed include those required by P.A. 93-0152, effective July 10, 2003. These amendments include (1) having the Illinois Environmental Protection Agency rather than the Board issue provisional variances, (2) allowing the Board to adopt settlements in citizen enforcement actions without a public hearing, and (3) creating a new rulemaking procedure for updating incorporations by reference.

To minimize any confusion that could be caused by having open several proceedings to amend the procedural rules, the Board has decided to withdraw the Docket R03-10 rulemaking and propose another with all of the amendments incorporated into one proposal. The Board opened Docket R04-8 for this purpose in its August 21, 2003 order.

Questions regarding this notice may be directed to Richard McGill at 312/814-6983.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Petition to Review Pollution Control Facility Siting Decisions
- 2) Code Citation: 35 Ill. Adm. Code 107
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
107.302	Amend
107.304	Amend
107.500	Amend
APPENDIX A	Repeal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: December 6, 2002 at 26 Ill. Reg. 17335
- 5) Reason for the Withdrawal: In this rulemaking (Docket R03-10), the Board proposed amendments to its procedural rules to accomplish two primary objectives: (1) allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line or "COOL;" and (2) reflect amendments to the Environmental Protection Act (415 ILCS 5) in P.A. 92-574, and to the Administrative Procedure Act (5 ILCS 100) in P.A. 92-330. However, since then, additional legislative changes have been made to the Environmental Protection Act. This recent legislation will require additional substantive as well as technical amendments to the Board's procedural rules.

Substantive changes needed include those required by P.A. 93-0152, effective July 10, 2003. These amendments include (1) having the Illinois Environmental Protection Agency rather than the Board issue provisional variances, (2) allowing the Board to adopt settlements in citizen enforcement actions without a public hearing, and (3) creating a new rulemaking procedure for updating incorporations by reference.

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POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Tax Certifications
- 2) Code Citation: 35 Ill. Adm. Code 125
- 3) Section Number: 125.216 Proposed Action:
Amend
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: December 2, 2002 at 26 Ill. Reg. 17129
- 5) Reason for the Withdrawal: In this rulemaking (Docket R03-10), the Board proposed amendments to its procedural rules to accomplish two primary objectives: (1) allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line or "COOL;" and (2) reflect amendments to the Environmental Protection Act (415 ILCS 5) in P.A. 92-574, and to the Administrative Procedure Act (5 ILCS 100) in P.A. 92-330. However, since then, additional legislative changes have been made to the Environmental Protection Act. This recent legislation will require additional substantive as well as technical amendments to the Board's procedural rules.

Substantive changes needed include those required by P.A. 93-0152, effective July 10, 2003. These amendments include (1) having the Illinois Environmental Protection Agency rather than the Board issue provisional variances, (2) allowing the Board to adopt settlements in citizen enforcement actions without a public hearing, and (3) creating a new rulemaking procedure for updating incorporations by reference.

To minimize any confusion that could be caused by having open several proceedings to amend the procedural rules, the Board has decided to withdraw the Docket R03-10 rulemaking and propose another with all of the amendments incorporated into one proposal. The Board opened Docket R04-8 for this purpose in its August 21, 2003 order.

Questions regarding this notice may be directed to Richard McGill at 312/814-6983.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Identification and Protection of Trade Secrets and Other Non-Disclosable Information
- 2) Code Citation: 35 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
130.110	Amend
130.302	Amend
130.304	Amend
130.404	Amend
130.408	Amend
APPENDIX A	Repeal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: December 2, 2002 at 26 Ill. Reg. 17134
- 5) Reason for the Withdrawal:

In this rulemaking (Docket R03-10), the Board proposed amendments to its procedural rules to accomplish two primary objectives: (1) allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line or "COOL;" and (2) reflect amendments to the Environmental Protection Act (415 ILCS 5) in P.A. 92-574, and to the Administrative Procedure Act (5 ILCS 100) in P.A. 92-330. However, since then, additional legislative changes have been made to the Environmental Protection Act. This recent legislation will require additional substantive as well as technical amendments to the Board's procedural rules.

Substantive changes needed include those required by P.A. 93-0152, effective July 10, 2003. These amendments include (1) having the Illinois Environmental Protection Agency rather than the Board issue provisional variances, (2) allowing the Board to adopt settlements in citizen enforcement actions without a public hearing, and (3) creating a new rulemaking procedure for updating incorporations by reference.

To minimize any confusion that could be caused by having open several proceedings to amend the procedural rules, the Board has decided to withdraw the Docket R03-10 rulemaking and propose another with all of the amendments incorporated into one proposal. The Board opened Docket R04-8 for this purpose in its August 21, 2003 order.

Questions regarding this notice may be directed to Richard McGill at 312/814-6983.

DEPARTMENT OF REVENUE

NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100.2490
86 Ill. Adm. Code 100.9710
- 3) Register citation of proposed or adopted rulemaking and other pertinent action:
Rulemaking adopted August 8, 2003, 27 Ill. Reg. 13536
- 4) Explanation: The main source note and both section source notes have July 25, 2003 as the effective date; the correct date should have been published as July 28, 2003.

The Main Source Note was published as:

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.

DEPARTMENT OF REVENUE

NOTICE OF PUBLICATION ERROR

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; 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.

Should have been:

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.

DEPARTMENT OF REVENUE

NOTICE OF PUBLICATION ERROR

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; 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 28, 2003.

Section 100.2490 and 100.9710 Section Source Notes were published as:

DEPARTMENT OF REVENUE

NOTICE OF PUBLICATION ERROR

(Source: Added at 27 Ill. Reg. 13536, effective July 25, 2003)

Should have been:

(Source: Added at 27 Ill. Reg. 13536, effective July 28, 2003)

ILLINOIS ADMINISTRATIVE CODE

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