

2003

# ILLINOIS

## REGISTER RULES OF GOVERNMENTAL AGENCIES



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## ILLINOIS LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1200
- 3) Section Numbers: 1200.10                      Proposed Action: Amendment
- 4) Statutory Authority: 5 ILCS 315
- 5) A Complete Description of the Subjects and Issues Involved: The Board is seeking to amend portions of its Rules and Regulations in order to conform its procedures to P.A. 93-0444, which empowered the Board to certify unions as employees' collective bargaining representative based upon a showing of majority support provided at the time a petition for representation is filed. Previously, the Board was only able to certify a union as employees' exclusive representative following a Board-conducted election or upon voluntary recognition.
- 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: This amendment does not create or expand a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Michele Cotrupe  
Illinois Labor Relations Board  
160 N. LaSalle St., Suite S-400  
Chicago, Illinois 60601

The Board requests the submission of written comments within 45 days after the publication of this notice. The Board 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]. It will also hold public hearings upon request.

## ILLINOIS LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The legislative action creating the need for amended rules took effect August 5, 2002.

The full Text of the Proposed Amendment is identical to the text of the Emergency Amendment and begins on page 15557 of the *Illinois Register*.

## ILLINOIS LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Representation Proceedings
- 2) Code Citation: 80 Ill. Adm. Code 1210
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1210.20	Amendment
1210.35	Amendment
1210.37	Amendment
1210.40	Amendment
1210.60	Amendment
1210.80	Amendment
1210.100	Amendment
- 4) Statutory Authority: 5 ILCS 315
- 5) A Complete Description of the Subjects and Issues Involved: The Board is seeking to amend portions of its rules in order to conform its procedures to PA 93-427 and PA 93-444, which empowered the Board to certify unions as an employees' collective bargaining representative based upon a showing of majority support provided at the time a petition for representation is filed. Previously, the Board was only able to certify a union as an employees' exclusive representative following a Board-conducted election or upon voluntary recognition.
- 6) Will these amendments replace any emergency amendments currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These amendments do not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Michele Cotrupe  
Illinois Labor Relations Board

## ILLINOIS LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

160 N. LaSalle St., Suite S-400  
Chicago, Illinois 60601  
(312) 793-6400

The Board requests the submission of written comments within 45 days after the publication of this notice. The Board 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]. The Board will also conduct public hearings upon request.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the legislative action creating the need for amended rules took effect August 5, 2003.

The full text of the proposed amendments is the same as the text for the emergency amendments and begins on page 15563 of the Illinois Register.



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses that are Real Estate Appraisers and Real Estate Appraisal schools will be affected by the license fee increase in this proposed rulemaking.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 12) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it arises out of legislation introduced and passed in the 2003 Spring Session of the General Assembly

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

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATEPART 1455  
REAL ESTATE APPRAISER LICENSING

## SUBPART A: DEFINITIONS

Section  
1455.10 Definitions

## SUBPART B: LICENSING REQUIREMENTS

Section  
1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Appraiser License; Application by Non-Resident for Licensure by Reciprocity

1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Expiration Date

1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License

1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

## SUBPART C: EDUCATION REQUIREMENTS

Section  
1455.150 Pre-License Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser; Non-Resident Pre-License Education

1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real Estate Appraiser, and State Licensed Real Estate Appraiser; Non-Resident Continuing Education Approval

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: EXPERIENCE REQUIREMENTS

Section

- 1455.170 Experience Requirements for a State Certified General Real Estate Appraiser License
- 1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License
- 1455.190 Verification of Experience Credit
- 1455.200 Acceptable Appraisal Experience Credit

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section

- 1455.210 Notification of Name Change
- 1455.220 Assumed Name
- 1455.230 Address Change; Street Address
- 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

SUBPART F: ENFORCEMENT PROVISIONS

Section

- 1455.250 Grounds for Discipline
- 1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan
- 1455.270 Additional Education; Reporting Requirements
- 1455.280 Administrative Warning Letter
- 1455.290 Cooperation Required with OBRE
- 1455.300 Felony Convictions; Discipline of Other Professional License; Notification
- 1455.310 Unprofessional Conduct

SUBPART G: ADMINISTRATIVE PROVISIONS

Section

- 1455.320 Fees
- 1455.330 Granting of Variances
- 1455.340 Duties of the Director

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENTS

## Section

- 1455.350 Education Provider Application; Requirements  
1455.360 Pre-License Education Course Requirements of Education Providers  
1455.370 Pre-License Course Curriculum; State Certified General Real Estate Appraiser;  
State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser  
1455.380 Examples of Acceptable Pre-License Education Courses  
1455.390 Continuing Education Course Requirements of Education Providers  
1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for  
Participation Other Than as a Student  
1455.410 Distance Education  
1455.420 Expiration Date and Renewal for Education Providers and Pre-License and  
Continuing Education Courses  
1455.430 Continuing Education Reporting  
1455.440 Transcript or Certificate of Completion

## SUBPART I: TRANSITION PROVISIONS

## Section

- 1455.450 Appraiser Applicants – Transition Provisions  
1455.460 Education Providers, Pre-License and Continuing Education Courses – Transition  
Provisions

## SUBPART J: HEARINGS

## Section

- 1455.470 Applicability  
1455.480 Administrative Law Judges  
1455.490 Disqualification of an Administrative Law Judge

APPENDIX A Caption for a Case Filed by the Agency

APPENDIX B Caption for a Case Filed by the Petitioner

**AUTHORITY:** Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

**SOURCE:** Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENTS

of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed at 26 Ill. Reg. 17689 and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART G: ADMINISTRATIVE PROVISIONS

**Section 1455.320 Fees**

- a) Initial application fee for appraiser license.
  - 1) The application fee for an initial license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, and an Associate Real Estate Appraiser shall be ~~\$225~~ **\$175**.
  - 2) In addition to the initial fee for an initial applicant as a State Certified General Real Estate Appraiser and a State Certified Residential Real Estate Appraiser prescribed in subsection (a)(1), each applicant shall pay \$75, which shall include the National Registry fee.
- b) Renewal application fee for appraiser license.
  - 1) The application fee to renew a license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or a State Licensed Real Estate Appraiser shall be calculated at ~~\$250~~ **\$200** per year, which shall include the National Registry fees.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENTS

- 2) The application to renew an Associate Real Estate Appraiser License shall be calculated at ~~\$150~~ \$100 per year.
  - 3) The application fee to renew a license that has expired, as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, an Associate Real Estate Appraiser, or a State Licensed Real Estate Appraiser, shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- c) Application fee to convert a license.
- 1) The application fee to convert a license as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be ~~\$250~~ \$200.
  - 2) The application fee to convert a license that has expired as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be ~~\$250~~ \$200, plus a \$50 late fee.
- d) Application fee for temporary practice permit.  
The application fee for a temporary practice permit pursuant to the Act and this Part shall be ~~\$200~~ \$150. There shall be no additional fee required for an extension granted pursuant to the Act and this Part for a temporary practice permit.
- e) Initial application fee for a license as an education provider, a pre-license course, and a continuing education course.
- 1) The application fee for a license as an education provider shall be ~~\$1050~~ \$1,000, plus course application fees.
  - 2) The application fee for a license for a pre-license course shall be ~~\$150~~ \$100.
  - 3) The application fee for a license for a continuing education course shall be ~~\$100~~ \$50.
- f) Application fee to renew a license as an education provider, a pre-license course, and a continuing education course.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENTS

- 1) The application fee to renew a license as an education provider shall be calculated at ~~\$550~~ ~~\$500~~ per year.
  - 2) The application fee to renew a license that has expired as an education provider shall be the sum of all lapsed renewal fees plus a \$50 late fee.
  - 3) The application fee to renew a license as a pre-license course shall be calculated at ~~\$100~~ ~~\$50~~ per year.
  - 4) The application fee to renew a license that has expired as a pre-license course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
  - 5) The application fee to renew a license as a continuing education course shall be calculated at ~~\$75~~ ~~\$25~~ per year.
  - 6) The application fee to renew a license that has expired as a continuing education course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- g) For the purposes of determining if a license has expired under this Section, OBRE shall consider the license expired if the postmark on the renewal application is a date later than the expiration date or, if delivered other than by mail, the license shall be considered expired if the renewal application is received by OBRE on a date later than the expiration date.
- h) General.
- 1) All fees paid pursuant to the Act and this Part are non-refundable.
  - 2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card that has been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be \$25.
  - 3) The fee for a certification of a licensee's record for any purpose shall be \$25.
  - 4) The fee for a decorative wall license showing registration shall be the cost

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENTS

of producing the license.

- 5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.
- 6) Applicants for an examination as a State Certified Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Appraiser shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.
- 7) The fee for requesting a waiver of any education requirement provided by the Act and this Part shall be \$50.
- 8) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.
- 9) The fee for certifying any record, e.g., a copy of a disciplinary order or application, shall be \$1 per page.
- 10) OBRE may charge an administrative fee not to exceed \$2,000, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1455.320 of this Part.

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 10
- 3) Section Number: 10.220      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13] and PA 93-598 (HB 3023).
- 5) A Complete Description of the Subjects and Issues involved: In accordance with the provisions of PA 93-598, this rulemaking adds marital status as a reason that an individual participating in any program or activity shall not be discriminated against.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
10.250	Amendment	27 Ill. Reg. 11346; July 25, 2003
10.270	Amendment	27 Ill. Reg. 11326; July 25, 2003

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Tracie Drew, Bureau Chief  
 Bureau of Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 3<sup>rd</sup> Floor Harris Bldg.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Springfield IL 62762  
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 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 form compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 10  
GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

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10.101	Incorporation by Reference
10.110	Applicability
10.120	Definitions
10.130	Assistance Programs
10.140	Assistance Program Restrictions

SUBPART B: RIGHTS AND RESPONSIBILITIES

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10.220	Nondiscrimination
10.225	Grievance Rights of Clients
10.230	Confidentiality of Case Information
10.235	Case Records
10.250	Reporting Change of Circumstances
10.263	Reporting Child Abuse/Neglect
10.268	Reporting Elder Abuse/Neglect
10.270	Notice to Client
10.280	Right to Appeal
10.281	Continuation of Assistance Pending Appeal
10.282	Time Limit for Filing an Appeal
10.283	Examining Department Records
10.284	Child Care
10.290	Voluntary Repayment of Assistance
10.295	Correction of Underpayments
10.300	Recovery of Assistance
10.310	Estate Claims
10.320	Real Property Liens
10.330	Filing and Renewal of Liens
10.340	Foreclosure of Liens
10.350	Release of Liens

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 10.360 Personal Injury Claims
- 10.370 Convictions of Fraud – Eligibility
- 10.380 Single Conviction of Fraud – Administrative Review Board

## SUBPART C: APPLICATION PROCESS

## Section

- 10.410 Application for Assistance
- 10.415 Local Office Action on Application for Public Assistance
- 10.420 Time Limitations on the Disposition of an Application
- 10.430 Approval of an Application and Initial Authorization of Financial Assistance
- 10.438 General Assistance Approval Provisions
- 10.440 Denial of an Application

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. 6944, effective June 1, 1999; amended at 24 Ill. Reg. 7856, effective May 16, 2000; amended at 24 Ill. Reg. 18153, effective November 30, 2000; amended at 25 Ill. Reg. 7170, effective May 24, 2001; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: RIGHTS AND RESPONSIBILITIES

**Section 10.220 Nondiscrimination**

- a) No individual participating in any program or activity shall be discriminated against because of age, race, color, religious belief, political affiliation, sex, marital status, national origin or handicap.
- b) No direct payment for goods and services provided shall be made to any agency, institution, organization or individual vendor that initiates or continues prohibited discriminatory practices.
- c) Information regarding the Department's nondiscrimination policy shall be made available to all applicants at the time of application, all recipients upon request, all vendors receiving direct payment from the Department and all other interested parties as necessary.

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- d) Any aggrieved person may file a written complaint of alleged discriminatory conditions or practices encountered in the Department's programs and activities.
- e) No individual or household applying for or participating in the food stamp program administered by the Department shall be discriminated against because of age, race, color, sex, handicaps, religious creed, national origin, or political beliefs. The individual/household is not to be discriminated against in any aspect of program administration, including but not limited to the certification of household, the issuance of benefits, the conduct of fair or fraud hearings, or the conduct of any other program service.
  - 1) Individuals who believe that they have been subject to discrimination, as described in subsection (e) of this Section, may file a written complaint. When an individual expresses an interest in filing a discrimination complaint, the Department is to:
    - A) explain the United States Department of Agriculture (USDA) complaint procedures (the procedure is outlined in 7 CFR 272.6(c); and
    - B) explain the Department's complaint procedure; and
    - C) advise the individual of the right to file a complaint in either or both the USDA and/or Department complaint systems.
  - 2) Information regarding the Department's nondiscrimination policy is to be made available to all households at the time of application, to any household upon request, and to all other interested parties as necessary.

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

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) 

<u>Section Number</u> :	<u>Proposed Action</u> :
112.67	Amendment
112.74	Amendment
112.79	Amendment
112.80	Amendment
112.127	Amendment
112.251	Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13] and PA 93-598 (HB 3023).
- 5) A Complete Description of the Subjects and Issues involved:

Pursuant to provisions in PA 93-598, as well as negotiations with client advocates over proposed law changes, this rulemaking makes changes to the TANF Program as follows:

- will allow a minor parent, who is not living with a parent or in a supervised living arrangement, six months of TANF eligibility while he or she finds an appropriate living arrangement;
- will require completion of a Family Assessment prior to assigning a TANF client to a work or training activity;
- will include in the Family Assessment an offer of standard literacy testing and will provide testing to those who accept the offer;
- will not subject an exempt person, who volunteers for work and training activities, to sanction policy;
- will expand the good cause reasons for failing to comply with work and training requirements and will remove the requirement that the person provide documentation of non-receipt of the notice advising him or her of the participation requirement;
- will revise how lump-sum payments are treated for TANF clients; and

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- will delete Family Accountability “capped” assistance for children born on or after January 1, 2004.

Companion amendments are being proposed to 89 Ill Adm. 10 and 89 Ill. Adm. Code 114.

- 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 amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
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112.110	Amendment	27 Ill. Reg. 9360; June 20, 2003
112.115	Amendment	27 Ill. Reg. 9360; June 20, 2003
112.302	Amendment	27 Ill. Reg. 11353; July 25, 2003

- 10) Statement of Statewide Policy Objective (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the publication of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Tracie Drew, Bureau Chief  
 Bureau of Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 Harris Building 3<sup>rd</sup> Floor  
 Springfield, Illinois 62762  
 (217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:

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- 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 begins on the next page.

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## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112  
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

## SUBPART A: GENERAL PROVISIONS

## Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

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## SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

## Section

112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

## SUBPART E: PROJECT ADVANCE

## Section

112.86	Project Advance (Repealed)
112.87	Project Advance Experimental and Control Groups (Repealed)
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90	Project Advance Sanctions (Repealed)
112.91	Good Cause for Failure to Comply with Project Advance (Repealed)
112.93	Individuals Exempt From Project Advance (Repealed)
112.95	Project Advance Supportive Services (Repealed)

## SUBPART F: EXCHANGE PROGRAM

## Section

112.98	Exchange Program (Repealed)
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## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

## Section

112.100	Unearned Income
112.101	Unearned Income of Stepparent or Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards

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- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit

## SUBPART H: PAYMENT AMOUNTS

## Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

## SUBPART I: OTHER PROVISIONS

## Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

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## SUBPART J: CHILD CARE

## Section

112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

## SUBPART K: TRANSITIONAL CHILD CARE

## Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective

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October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at

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8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to

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SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency

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amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency

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amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 07, 2003; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

**Section 112.67 Restriction in Payment to Households Headed by a Minor Parent**

- a) A ~~TANF cash payment shall be paid, for no more than six months, to a~~ minor parent (including a pregnant woman) under age 18 who has never married and the dependent child in his or her care ~~unless that person resides must reside~~ in the household of his or her parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement. ~~An exception shall be made in any of the following circumstances, in order to receive a TANF cash payment unless:~~
- 1) The minor parent has no living parent or legal guardian whose whereabouts are known;
  - 2) No living parent or legal guardian of the minor parent allows the minor parent to live in his or her home;
  - 3) The minor parent lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of the dependent child or the minor parent's having made application for TANF;
  - 4) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the parent or legal guardian;
  - 5) There is otherwise good cause for the minor parent and dependent child to receive assistance while living apart from the parent, legal guardian, or other adult relative, or an adult-supervised supportive living arrangement. These reasons are:
    - A) The parent or guardian lives out-of-state;

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- B) The parent or guardian is in an institution;
  - C) The parent or guardian is a substance abuser;
  - D) The return of the minor parent and child to the parent or guardian's home would result in a lease violation or violation of local health or safety standards;
  - E) The minor parent is placed by DCFS in independent living (see 89 Ill. Adm. Code 302.40(e)); or
  - F) The minor parent is in a licensed substance abuse program which would not be available if the minor returned to the parent or guardian's home.
- b) The minor shall have the right to choose among these approvable living arrangements. The Department shall not require the minor to explain why he or she chose one arrangement over another.
- c) When a minor parent and his or her dependent child are required to live with the parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, then, where possible, the TANF grant is paid to the adult who is responsible for supervising the minor. Otherwise, the minor receives the TANF grant.
- d) Minor parents under age 20 with no child under the age of 12 weeks may receive assistance only if they have successfully completed high school, have a GED certificate, or are attending school, except 18 and 19 year olds may be assigned to work activities or training if it is determined by an individualized assessment that such educational activities are inappropriate. If these requirements are not met, they are subject to sanction (see Section 112.79).

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

## SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

**Section 112.74 Responsibility and Services Plan**

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- a) Family Assessment to Develop a Responsibility and Services Plan
- 1) All individuals shall undergo a Family Assessment to develop a Responsibility and Services Plan. This provision does not apply to individuals acting as Representative Payees for child-only cases.
  - 2) The Family Assessment shall include collection of information on the individual's and family's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes and employment preferences, as well as factors affecting employability or ability to meet participation requirements (for example, eligibility for exemption, health, physical or mental limitations, child care, domestic violence, substance abuse, family circumstances and problems including the need of any child of the individual). As part of the assessment process, individuals and TANF staff shall work together to identify any supportive service needs required to enable them to participate in TANF employment or work activities and meet the objectives of their Responsibility and Services Plan (see Section 112.82). The Family Assessment may be conducted through various methods such as interviews, testing, counseling and self-assessment instruments.
  - 3) The Family Assessment and Responsibility and Services Plan must:
    - A) contain an employment goal of the participant and the steps to achieve it;
    - B) describe the services to be provided by the agency including child care and other supportive services;
    - C) describe the activities such as activity assignment that will be undertaken by the participant to achieve the employment goal; and
    - D) describe any other needs of the family such as participation by a child in drug education or in life skills planning sessions.
  - 4) The Responsibility and Services Plan shall take into account:
    - A) the participant's supportive service needs;

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- B) the participant's skills level and aptitudes;
  - C) local employment opportunities;
  - D) to the maximum extent possible, the preferences of the participant;
  - E) final approval of the plan rests with the DHS staff pursuant to TANF program requirements; and
  - F) the participant will sign and receive a copy of the Responsibility and Services Plan.
- b) Occurrence of the Family Assessment and Responsibility and Services Plan
- 1) The Family Assessment shall take place before a participant is assigned to any ~~education, training or work activity-employment and work activities, except individuals may be assigned to up to four weeks of Job Search or sent to known job interviews prior to the Family Assessment.~~
  - 2) The participant will be notified, in writing, of the Family Assessment meeting.
- c) During the Family Assessment, the Responsibility and Services Plan will be completed to determine the individual's and family's level of preparation for employment and needed services. Upon initial screening, a determination for job readiness will be based on an individual having a high school diploma/GED, not requiring substance abuse treatment, and having worked more than three consecutive months in the last 12 calendar months. This determination needs to be considered in conjunction with other issues such as the individual's barriers, the local labor market, and the work place skill of the client. The preference of the individual will be taken into account in the development of the Responsibility and Services Plan to the maximum extent possible and appropriate. As part of the assessment process, individuals and TANF staff may work together to identify any supportive service needs required to enable them to participate in employment and work and meet the objectives of their Responsibility and Services Plan (see Section 112.82). ~~The assessment process shall~~ In the assessment process, the Department shall offer to include standard literacy testing and a determination of English language proficiency ~~or those who display a potential need for literacy or language services.~~ The Department shall provide standard

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literacy testing and a determination of English language proficiency for those who accept the offer. Literacy level is defined as reading at a 9.0 grade level or above. Based on the Responsibility and Services Plan, the individual will be assigned to the appropriate activity.

- d) Review
- 1) A review will be conducted to assess a participant's progress and to revise the Responsibility and Services Plan, if needed. The review shall occur at least at the following times:
    - A) upon completion of a program or activity and before assignment to an activity;
    - B) upon the request of the participant;
    - C) if the individual is not cooperating with the requirements of the program;
    - D) if the individual has failed to make satisfactory progress in an education or training program;
    - E) upon completion of an academic term;
    - F) upon referral from DES, IETC, or other entities;
    - G) every six months at a minimum; or
    - H) at any time deemed appropriate under the Plan.
  - 2) The review may be conducted through various methods such as interviews, testing, counseling and self-assessment instruments.
  - 3) The review will include an evaluation of the participant's progress towards the employment goal. If progress is lacking, the participant may be reassigned to a more appropriate activity.
- e) If an individual who is required to participate in the program fails to appear for the scheduled assessment interviews or comply with the assessment process,

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without good cause, the case is ineligible.

- f) TANF employment and work activity participation shall not be required in the event that supportive services are needed for effective participation but are unavailable from the Department or from some reasonably available source (for example, child care for a child under age 13).
- g) Teen parents have their own Responsibility and Services Plan defining the responsibilities the young parent must meet to receive TANF cash assistance and what services the Department agrees to provide. The plan outlines family needs, the required activities and necessary supportive services. The plan must be signed by both the young parent and the case manager. The plan sets the following goals for the young parent and describes how the Department will help the young parent meet these goals:
  - 1) to attend school to complete a high school education;
  - 2) to establish paternity for the young parent's child or children and obtain child support;
  - 3) to improve the young parent's parenting skills; and
  - 4) to seek and obtain full-time employment when job ready.

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

**Section 112.79 Sanctions**

- a) Sanctions may be imposed against those nonexempt participants who fail to participate without good cause. Exempt individuals who volunteer to participate are not subject to sanctions. Sanctions shall be based on instances of non-cooperation which occur on or after July 1, 1997. The sanction penalty shall be as follows:
  - 1) For the first instance of non-cooperation, the cash assistance payment is reduced by 50 percent of the family's payment level until the cooperation requirement is met. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment is stopped.
  - 2) For the second instance of non-cooperation, the cash assistance payment is

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reduced by 50 percent of the family's payment level for three months. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment is stopped.

- 3) For the third instance and any subsequent instance of non-cooperation, the family's entire cash assistance payment is stopped for at least three months. Cash assistance will be reinstated for the fourth month if the cooperation requirement is met during the three-month sanction period.
- 4) Sanction penalties accumulate by family, not by person, during any single period of continuous assistance. A loss of all cash assistance due to sanction shall not be considered a break in assistance. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction shall apply.

b) Sanction Reasons

Sanctioning of a participant will result from one instance of any of the following without good cause unless reconciliation is successful:

- 1) failure to respond to a job referral;
- 2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));
- 3) discontinuing part-time employment;
- 4) reducing employment;
- 5) failure to participate in the activity;
- 6) failure to respond to a written notice for a meeting. For the purpose of determining attendance at meetings, if participant arrives anytime within 30 minutes after the start of the scheduled meeting, the participant will be considered present and will be seen. If the participant has good cause (see Section 112.80) for being more than 30 minutes late the tardiness will be excused. The worker will include the participant in a scheduled group or other meeting or re-schedule the participant for another meeting;

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- 7) failure to make the required number of acceptable employer contacts every 30 days when employer contact activity is required;
  - 8) failure to accept transportation, family counseling or other social service or employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in work or training activities; or
  - 9) failure to provide verification of education/training activities, employability status, etc.
- c) No sanction will be imposed until staff has sent the participant a written notice scheduling a good cause determination/reconciliation meeting to determine whether the participant had good cause for his or her failure to comply with requirements and the participant has either failed to attend the meeting or failed to show good cause. If the participant failed to show good cause, the reconciliation process will continue (see Section 112.77) to enable resolving disputes related to participation. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause. Failure of the participant to appear for the scheduled meeting is not considered an instance of noncooperation.
- d) A sanction against participants may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the participant establishes good cause (see Section 112.80 for good cause criteria).
- e) The notice of change form issued for a sanction shall include the following:
- 1) a description of the acts of noncooperation, including dates where applicable; and
  - 2) a statement that the participant's acts were without good cause (see Section 112.80 for good cause criteria).
- f) A sanction under this Section shall not affect receipt of Medical Assistance. Likewise, a sanction for child support enforcement or the school attendance initiative does not affect any instances of non-cooperation under this Section.

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- g) Individuals who are sanctioned will be contacted at least one time per month to attempt to re-engage the client back into the program. Supportive services (see Section 112.82) will be paid while in sanction status if the individual is participating. If the family is also sanctioned for failure to cooperate with child support enforcement or school attendance initiative requirements, the sanctions are served simultaneously.
- h) A person must cooperate to end the sanction. When the person cooperates, benefits are restored as of the date of cooperation or, for second or third instances of sanction, at the end of the three month period, whichever is later.

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

**Section 112.80 Good Cause for Failure to Comply with TANF Participation Requirements**

- a) If a participant has good cause for not complying with a TANF participation requirement, financial assistance shall not be discontinued. Examples of good cause include but are not limited to:
  - 1) temporary illness for its duration;
  - 2) court required appearance or temporary incarceration;
  - 3) death in the family;
  - 4) extreme inclement weather;
  - 5) lack of any supportive service (see Section 112.82), even though the necessary service is not specifically provided under TANF, to the extent the lack of the needed service presents a significant barrier to TANF participation;
  - 6) if an individual is engaged in employment and/or training that is consistent with the employment related goals of the program, if such employment and training is later approved by TANF staff (e.g., a participant is unable to attend an orientation session because she is already attending GED classes);

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- 7) failure of Department staff or Contractor to correctly forward the information to TANF staff;
- 8) failure of the participant to cooperate because of attendance at a test or a mandatory class or function at an educational program (including college), when an education/training program is officially approved by TANF. When TANF workers know in advance of such tests and mandatory classes or functions, they shall schedule TANF activities around them if possible;
- 9) failure of the participant due to his or her illiteracy;
- 10) failure of the participant because it is determined that he or she should be in a different TANF activity;
- 11) non-receipt by the participant of a notice advising him or her of a participation requirement, ~~if documented by the participant. Documentation can include, but is not limited to: a written statement from the post office or other informed individual; the notice not sent to the participant's last known address in Department records; return of the notice by the post office; other returned mail; proof of previous mail theft problems. When determining whether or not the participant has demonstrated non-receipt, the Department shall take into consideration a participant's history of cooperation or non-cooperation in the past.~~ If the ~~documented~~ non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to participants;
- 12) non-comprehension of written and/or oral English;
- 13) child care (or day care for an incapacitated individual living in the same home as a child) is necessary for the participation or employment and such care is not available for a child under age 13;
- 14) failure to participate in a TANF activity due to a verified scheduled job interview, medical appointment for the participant or a household member, or a school appointment;
- 15) the individual is homeless. Homeless individuals (including the family)

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have no current residence and no expectation of acquiring one in the next 30 days. This includes individuals residing in overnight and transitional (temporary) shelters. This does not include individuals who are sharing a residence with friends or relatives on a continuing basis;

- 16) documented circumstances beyond the control of the participant which prevent the participant from completing program requirements; or
  - 17) failure to participate in a TANF work activity because of violations of workplace rights due TANF recipients as determined by the U.S. Department of Labor.
- b) The TANF worker may require a participant to document good cause for noncooperation with TANF requirements.
  - c) No participant shall be denied good cause solely on the basis that he or she failed to notify the Department in advance of a participation requirement. Nevertheless, failure to notify is material and is an important factor if the participant could have notified the Department.

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

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

**Section 112.127 Lump-Sum Payments**

- a) Income received either in the form of a one-time only payment that does not continue on a regular basis or in the form of a retroactive payment for income that continues on a regular basis is considered non-recurring lump-sum income ( a lump-sum payment). Examples of non-recurring lump-sum income are retroactive social security payments, retroactive unemployment insurance benefits, personal injury settlements, workers compensation injury settlements, lottery winnings, inheritances and insurance settlements.
- b) Any portion of the lump-sum payment used to pay for expenses incurred as a result of the lump-sum payment shall be exempt from consideration as non-recurring lump-sum income as follows:
  - 1) Personal Injury Settlement – That portion of a personal injury payment is

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exempt which is used to pay for:

- A) necessary costs of litigation or settlement, including attorney's fees;
  - B) the Department's charge (see 89 Ill. Adm. Code Section 102.260);
  - C) medical costs resulting from the injury and paid by the client;
  - D) expenses to repair or replace personal property which was damaged as a result of the injury.
- 2) Workers' Compensation Payment – That portion of a Workers' Compensation payment is exempt which is used to pay for:
- A) necessary costs of litigation or settlement, including attorney's fees;
  - B) medical costs resulting from the injury and paid by the client.
- 3) Insurance Payments
- A) Insurance Payments – That portion of an insurance payment received due to loss is exempt when used to:
    - i) Repair or replace a lost or damaged resource including but not limited to repair or replacement of home, furniture, or clothing lost or damaged in a fire or flood and repair or replacement of a car as a result of an accident or fire;
    - ii) Pay the funeral, burial or medical expenses of an insured where the client is the beneficiary of the insured's life insurance policy.
  - B) Any insurance proceeds not spent or contracted to be spent as specified in subsection (b)(3)(A) of this Section within 60 days after receipt shall be budgeted as non-recurring lump-sum income. A payment receipt shall be required as verification of any insurance-related expenses claimed as exempt under subsection

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(b)(3)(A) of this Section.

- c) Lump-sum payments are considered nonexempt unearned income for the month of receipt. Any amount remaining is considered an asset for the following month that bring a family's countable resources up to the asset disregard level for that family's size are not counted in determining eligibility.
- d) ~~That portion of a lump-sum payment that exceeds the amount that brings the family's countable resources up to the asset disregard level for that family's size are considered as follows:~~
- 1) ~~If the amount is less than the assistance payment level, the assistance payment for the month following the receipt of the lump-sum payment will be reduced by that amount.~~
  - 2) ~~If the amount is greater than the assistance payment level, the following action will be taken based on the specific amount of the lump-sum payment:~~
    - A) ~~If the amount is \$1000 or less, the family will be ineligible for one month.~~
    - B) ~~If the amount is more than \$1000, but less than or equal to \$2000, the family will be ineligible for two months.~~
    - C) ~~One additional month of ineligibility will be added for each \$1000 increment.~~
- e) ~~The assistance unit may apply to have the ineligibility period caused by receipt of non-recurring lump-sum income shortened. The ineligibility period shall be shortened in the following situations:~~
- 1) ~~When the non-recurring lump-sum payment or a portion of the payment becomes unavailable to the family because the family incurs a loss due to fire, flood or natural disaster which occurred during the ineligibility period. That amount of the lump-sum payment the client spends or contracts to spend within 60 days after the fire, flood or natural disaster to repair or replace the lost or damaged property shall be deducted from the lump-sum income when recalculating the period of ineligibility.~~
  - 2) ~~When the non-recurring lump-sum payment or a portion of the lump-sum payment becomes unavailable to the client due to payment of medical expenses which were incurred by a family member and paid in a month during the period of ineligibility caused by receipt of a lump-sum payment. Only those expenses which the Department allows toward meeting spenddown (see 89 Ill. Adm. Code 140.3) shall be considered allowable medical deductions when recalculating the period of ineligibility. The allowable medical expenses must have been incurred and~~

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~~paid during the ineligibility period. A payment receipt shall be required as verification.~~

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

## SUBPART H: PAYMENT AMOUNTS

**Section 112.251 Payment Levels**

- a) The Payment Levels are flat, monthly standard amounts. The amount for an assistance unit is based on three variables:
  - 1) the number in the assistance unit except as specified in subsection (b) of this Section;
  - 2) the presence or absence of an adult in the assistance unit; and
  - 3) the grouping of the county in which the assistance unit lives.
- b) Effective January 1, 1996 cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. Medicaid coverage, food stamps and child care are not included in the cap.
  - 1) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with the eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.
  - 2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:
    - A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
    - B) for cases active as of January 1, 1996 the birth occurs within ten months after the date of implementation (by October 31, 1996);

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- C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapplication;
- D) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;
- E) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or
- F) the child (including all children in the case of multiple births) was born to a minor included in the grant who became a first-time minor parent.

3e) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.

c) Subsection (b) shall not apply to affect the payment level of any assistance unit as a result of the birth of a child on or after January 1, 2004.

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

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- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Number: 114.223      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: These proposed amendments revise the treatment of lump-sum payments for the General Assistance Program. As a result of this rulemaking, lump-sum payments will be treated as nonexempt unearned income for the month of receipt and as an asset for the following month. This change is a result of negotiations with client advocates.

Companion amendments are being proposed to 89 Ill. Adm. Code 112.127.

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

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
114.210	Amendment	27 Ill. Reg. 9377; June 20, 2003
114.220	Amendment	27 Ill. Reg. 9377; June 20, 2003

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Tracie Drew, Bureau Chief  
 Bureau of Administrative Rules and Procedures

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Department of Human Services  
100 South Grand Avenue East  
3<sup>rd</sup> Floor Harris Bldg.  
Springfield IL 62762  
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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 form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 114  
GENERAL ASSISTANCE

## SUBPART A: GENERAL PROVISIONS

## Section

- 114.1 Description of the Assistance Program
- 114.2 Determination of Not Employable
- 114.3 Advocacy Program for Persons Receiving State Transitional Assistance
- 114.5 Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 114.9 Client Cooperation
- 114.10 Citizenship
- 114.20 Residence
- 114.30 Age
- 114.40 Relationship
- 114.50 Living Arrangement
- 114.52 Social Security Numbers
- 114.60 Work Registration Requirements (Outside City of Chicago only)
- 114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
- 114.62 Job Service Registration (Outside City of Chicago only)
- 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
- 114.64 Responsibility to Seek Employment (Outside City of Chicago only)
- 114.70 Initial Employment Expenses (Outside City of Chicago only)
- 114.80 Downstate General Assistance Work and Training Programs
- 114.85 Downstate General Assistance – Food Stamps Employment and Training Pilot Project
- 114.90 Work and Training Programs
- 114.100 General Assistance Jobs Program (Repealed)
- 114.101 Persons Ineligible for TANF Due to Time Limits

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## SUBPART C: PROJECT ADVANCE

## Section

- 114.108 Project Advance (Repealed)
- 114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
- 114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)
- 114.111 Project Advance Sanctions (Repealed)
- 114.113 Project Advance Good Cause for Failure to Comply (Repealed)
- 114.115 Individuals Exempt From Project Advance (Repealed)
- 114.117 Project Advance Supportive Services (Repealed)

## SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

## Section

- 114.120 Employment and Training Requirements
- 114.121 Persons Required to Participate in Project Chance (Repealed)
- 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
- 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
- 114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
- 114.125 Employment and Training Program Orientation (Repealed)
- 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
- 114.127 Employment and Training Program Components (Repealed)
- 114.128 Employment and Training Sanctions (Repealed)
- 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
- 114.130 Employment and Training Supportive Services (Repealed)
- 114.135 Conciliation and Fair Hearings (Repealed)
- 114.140 Employment Child Care (Repealed)

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 114.200 Unearned Income
- 114.201 Budgeting Unearned Income
- 114.202 Budgeting Unearned Income of Applicants
- 114.203 Initial Receipt of Unearned Income
- 114.204 Termination of Unearned Income

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114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump-Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income for Contractual Employees
114.247	Budgeting Earned Income for Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers (Repealed)
114.280	Supplemental Payments

## SUBPART F: PAYMENT AMOUNTS

Section	
114.350	Payment Levels
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties

## SUBPART G: OTHER PROVISIONS

Section	
114.400	Persons Who May Be Included In the Assistance Unit

## DEPARTMENT OF HUMAN SERVICES

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- 114.401 Eligibility of Strikers
- 114.402 Special Needs Authorizations (Repealed)
- 114.403 Institutional Status
- 114.404 Budgeting
- 114.405 Budgeting Schedule
- 114.406 Limitation on Amount of General Assistance to Recipients from Other States (Repealed)
- 114.408 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96
- 114.420 Redetermination of Eligibility
- 114.430 Extension of Medical Assistance Due to Increased Income from Employment
- 114.440 Attorney's Fees for VA Appellants
- 114.442 Attorney's Fees for SSI Applicants

## SUBPART H: CHILD CARE

## Section

- 114.450 Child Care (Repealed)
- 114.452 Child Care Eligibility (Repealed)
- 114.454 Qualified Provider (Repealed)
- 114.456 Notification of Available Services (Repealed)
- 114.458 Participant Rights and Responsibilities (Repealed)
- 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 114.464 Rates of Payment for Child Care (Repealed)
- 114.466 Method of Providing Child Care (Repealed)

## SUBPART I: TRANSITIONAL CHILD CARE

## Section

- 114.500 Transitional Child Care Eligibility (Repealed)
- 114.504 Duration of Eligibility for Transitional Child Care (Repealed)
- 114.506 Loss of Eligibility for Transitional Child Care (Repealed)
- 114.508 Qualified Provider (Repealed)
- 114.510 Notification of Available Services (Repealed)
- 114.512 Participant Rights and Responsibilities (Repealed)
- 114.514 Child Care Overpayments and Recoveries (Repealed)
- 114.516 Fees for Service for Transitional Child Care (Repealed)
- 114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg.

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10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill.

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Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1619, effective January 20, 1999; amended at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amended at 23 Ill. Reg. 6948, effective

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## NOTICE OF PROPOSED AMENDMENT

May 30, 1999; emergency amendment at 23 Ill. Reg. 8661, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13863, effective November 19, 1999; amended at 24 Ill. Reg. 2338, effective February 1, 2000; amended at 24 Ill. Reg. 5688, effective March 20, 2000; amended at 25 Ill. Reg. 10325, effective August 3, 2001; amended at 26 Ill. Reg. 164, effective January 1, 2002; amended at 26 Ill. Reg. 9821, effective June 24, 2002; emergency amendment at 26 Ill. Reg. 11009, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17198, effective November 15, 2002; amended at 27 Ill. Reg. 7263, effective April 07, 2003; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

**Section 114.223 Lump-Sum Payments**

- a) Income received either in the form of a one-time only, payment that does not continue on a regular basis or in the form of a retroactive payment for income that continues on a regular basis is considered nonrecurring lump-sum income (a lump-sum payment). Examples of nonrecurring lump-sum income are retroactive social security payments, retroactive unemployment insurance benefits, personal injury settlements, Workers' Compensation injury settlements, lottery winnings, inheritances and insurance settlements.
- b) Any portion of the lump-sum payment used to pay for expenses incurred as a result of the lump-sum payment shall be exempt from consideration as nonrecurring lump-sum income as follows:
  - 1) Personal Injury Settlement – That portion of a personal injury payments is exempt which is used to pay for:
    - A) necessary costs of litigation or settlement, including attorney's fees;
    - B) the Department's charge (see 89 Ill. Adm. Code 102.260);
    - C) medical costs resulting from the injury and paid by the client;
    - D) expenses to repair or replace personal property which was damaged as a result of the injury.
  - 2) Workers' Compensation Payment – That portion of a Workers' Compensation payment is exempt which is used to pay for:

## DEPARTMENT OF HUMAN SERVICES

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- A) necessary costs of litigation or settlement, including attorney's fees;
  - B) medical costs resulting from the injury and paid by the client.
- 3) Insurance Payments
- A) Insurance Payments – That portion of an insurance payment received due to loss is exempt when used to:
    - i) repair or replace a lost or damaged resource including but not limited to repair or replacement of home, furniture, or clothing lost or damaged in a fire or flood and repair or replacement of a car as a result of an accident or fire;
    - ii) pay the funeral/burial or medical expenses of an insured where the client is the beneficiary of the insured's life insurance policy.
  - B) Any insurance proceeds not spent or contracted to be spent as specified in subsection (b)(3)(A) of this Section within 60 days after receipt shall be budgeted as nonrecurring lump-sum income. A payment receipt shall be required as verification of any insurance-related expense claimed as exempt under subsection (b)(3)(A) of this Section.
- c) A SSI lump-sum payment made on behalf of a child that is paid directly into a dedicated account is disregarded.
- d) Lump-sum payments are considered nonexempt unearned income for the month of receipt. Any amount remaining is considered an asset for the following month that bring a family's countable resources up to the asset disregard for that family shall also be disregarded. ~~e) That portion of a lump-sum payment that exceeds the amount that brings the family's countable resources up to the asset disregard is considered as follows: 1) If the amount is less than the assistance payment level, the assistance payment for the month following the receipt of the lump-sum payment will be reduced by that amount. 2) If the amount is greater than the assistance payment level, the following action will be taken based on the specific amount of the lump-sum payment: A) If the amount exceeds the assistance~~

## DEPARTMENT OF HUMAN SERVICES

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~~payment level by \$1,000 or less, the family will be ineligible for one month. B) If the amount exceeds the assistance payment level by \$1,000 but less than or equal to \$2,000, the family will be ineligible for two months. C) One additional month of ineligibility will be added for each \$1,000 increment. f) The assistance unit may apply to have the ineligibility period caused by receipt of nonrecurring lump-sum income shortened. The ineligibility period shall be shortened in the following situations: 1) When the nonrecurring lump-sum payment or a portion of the payment becomes unavailable to the family because the family incurs a loss due to fire, flood or natural disaster which occurred during the ineligibility period. That amount of the lump-sum payment the client spends or contracts to spend within 60 days after the fire, flood or natural disaster to repair or replace the lost or damaged property shall be deducted from the lump-sum income when the period of eligibility is recalculated. 2) When the nonrecurring lump-sum payment or a portion of the lump-sum payment becomes unavailable to the client due to payment of medical expenses which were incurred by a family member and paid in a month during the period of ineligibility caused by receipt of a lump-sum payment. Only those expenses which the Department allows toward meeting spenddown (see 89 Ill. Adm. Code 140.3) shall be considered allowable medical deductions when the period of ineligibility is recalculated. The allowable medical expenses must have been incurred and paid during the ineligibility period. A payment receipt shall be required as verification.~~

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

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Advertising and Sales Promotion of Life Insurance and Annuities
- 2) Code Citation: 50 Ill. Adm. Code 909
- 3) Section Number: 909.90      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 149, 151, 236, 237, 426 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/149, 151, 236, 237, 401, 426, and 500-85].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is eliminating the requirement for companies to formally file a compliance certificate. In the alternative, the Department is obligating companies to perform the certification function themselves and to place such certification on file in-house consistent with other record keeping requirements of this Part.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this amendment 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 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:

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

Joe Clennon  
Staff Attorney  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 557-1396

## DEPARTMENT OF INSURANCE

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will not affect small businesses.
  - B) Reporting, bookkeeping or other procedures required for compliance: Please see Section 909.90(b).
  - C) Types of professional skills necessary for compliance: Preparation of the certification will require clerical/administrative skills; however, the certification must be executed by an officer of the insurance company.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Department did not anticipate the need to make this change.

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

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENT

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIESPART 909  
ADVERTISING AND SALES PROMOTION OF  
LIFE INSURANCE AND ANNUITIES

Section	
909.10	Authority
909.20	Definitions
909.30	Applicability
909.40	Form and Content of Advertisements
909.50	Disclosure Requirements
909.60	Identity of Insurer
909.70	Jurisdictional Licensing and Status of Insurer
909.80	Statements about an Insurer
909.90	Enforcement Procedures
909.100	Penalties
909.110	Conflict with Other Rules
909.120	Severability Provision

**AUTHORITY:** Implementing Sections 149, 151, 236, 237, 426 and 500-85 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/149, 151, 236, 237, 401, 426 and 500-85].

**SOURCE:** Filed April 26, 1976, effective May 7, 1976; codified at 7 Ill. Reg. 3460; amended at 14 Ill. Reg. 13584, effective August 14, 1990; amended at 15 Ill. Reg. 15665, effective October 18, 1991; amended at 22 Ill. Reg. 3027, effective June 1, 1998; amended at 22 Ill. Reg. 16468, effective September 1, 1998; amended at 26 Ill. Reg. 16500, effective October 28, 2002; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 909.90 Enforcement Procedures**

- a) Each insurer shall maintain at its home or principal office a complete file containing a specimen copy of every printed, published or prepared advertisement hereafter disseminated in this State, with a notation indicating the manner and extent of distribution and the form number of any policy advertised. The file shall be subject to inspection by this Department. All the advertisements shall be maintained in the file for a period of either four years or until the filing of the next

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENT

regular report of examination of the insurer, whichever is the longer period of time.

- b) Every insurer subject to the provisions of this Part shall prepare and maintain file with this Department, with its Annual Statement, a certificate of compliance which will be placed on file with the company together with the materials identified in subsection (a) above. Such certificate shall be executed by an authorized officer of the insurer wherein it is stated that, to the best of his knowledge, information and belief, the advertisements which were disseminated by or on behalf of the insurer in this State during the preceding statement year, or during the portion of such year when this Part was in effect, complied or were made to comply in all respects with the provisions of this Part and the Insurance Laws of this State as implemented and interpreted by this Part.

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

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of Part: Advertising of Accident and Sickness Insurance
- 2) Code Citation: 50 Ill. Adm. Code 2002
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2002.180	Amendment
2002.ILLUSTRATION I	Amendment
- 4) Statutory Authority: Implementing Article XXVI and Section 149 and authorized by Section 401 of the Illinois Insurance Code [215 ICLS 5/Art. XXVI, 149 and 401].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will eliminate unnecessary paperwork by requiring an insurer to maintain in its advertising file a Certificate of Compliance with provisions of Illinois insurance laws and regulations in place of the current requirement to submit the Certificate to the Department of Insurance. In addition, an outdated term is being replaced by current preferred terminology.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this amendment 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 rule 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:

Joseph T. Clennon  
Staff Attorney  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 557-1396

or

Susan Anders  
Paralegal  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 785-8220

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department did not anticipate the need to make these changes.

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

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENT

## TITLE 50: INSURANCE

## CHAPTER I: DEPARTMENT OF INSURANCE

## SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCE

## PART 2002

## ADVERTISING OF ACCIDENT AND SICKNESS INSURANCE

## Section

2002.10	Authority
2002.20	Purpose
2002.30	Applicability
2002.40	Definitions
2002.50	Method of Disclosure of Required Information
2002.60	Form and Content of Advertisements
2002.70	Advertisements of Benefits Payable, Losses Covered or Premiums Payable
2002.80	Necessity for Disclosing Policy Provisions Relating to Renewability, Cancellability and Termination
2002.90	Testimonials or Endorsements by Third Parties
2002.100	Use of Statistics
2002.110	Identification of Plan or Number of Policies
2002.120	Disparaging Comparisons and Statements
2002.130	Jurisdictional Licensing and Status of Insurer
2002.140	Identity of Insurer
2002.150	Group or Quasi-Group Implications
2002.160	Introductory, Initial or Special Offers
2002.170	Statements About an Insurer
2002.180	Enforcement Procedures
2002.190	Severability Provision
2002.APPENDIX A	Guidelines
2002.ILLUSTRATION A	Guideline to Section 2002.20
2002.ILLUSTRATION B	Guideline to Section 2002.30 (a)
2002.ILLUSTRATION C	Guideline to Section 2002.30 (b)
2002.ILLUSTRATION D	Guideline to Section 2002.40 (a)
2002.ILLUSTRATION E	Guideline to Section 2002.40 (h)
2002.ILLUSTRATION F	Guideline to Section 2002.50
2002.ILLUSTRATION G	Guideline to Section 2002.60 (a)
2002.ILLUSTRATION H	Guideline to Section 2002.60 (b)
2002.ILLUSTRATION I	Guideline to Section 2002.70 (a) (1)
2002.ILLUSTRATION J	Guideline to Section 2002.70 (a) (2)
2002.ILLUSTRATION K	Guideline to Section 2002.70 (a) (3)

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2002.ILLUSTRATION L	Guideline to Section 2002.70 (a) (4)
2002.ILLUSTRATION M	Guideline to Section 2002.70 (a) (5)
2002.ILLUSTRATION N	Guideline to Section 2002.70 (a) (8)
2002.ILLUSTRATION O	Guideline to Section 2002.70 (b) (1)
2002.ILLUSTRATION P	Guideline to Section 2002.70 (b) (2)
2002.ILLUSTRATION Q	Guideline to Section 2002.70 (b) (3)
2002.ILLUSTRATION R	Guideline to Section 2002.70 (c) (1)
2002.ILLUSTRATION S	Guideline to Section 2002.70 (c) (2)
2002.ILLUSTRATION T	Guideline to Section 2002.70 (c) (3)
2002.ILLUSTRATION U	Guideline to Section 2002.80
2002.ILLUSTRATION V	Guideline to Section 2002.90 (a)
2002.ILLUSTRATION W	Guideline to Section 2002.90 (b)
2002.ILLUSTRATION X	Guideline to Section 2002.90 (c)
2002.ILLUSTRATION Y	Guideline to Section 2002.90 (d)
2002.ILLUSTRATION Z	Guideline to Section 2002.100 (a)
2002.ILLUSTRATION AA	Guideline to Section 2002.100 (b)
2002.ILLUSTRATION BB	Guideline to Section 2002.100 (c)
2002.ILLUSTRATION CC	Guideline to Section 2002.110 (a) and (b)
2002.ILLUSTRATION DD	Guideline to Section 2002.120
2002.ILLUSTRATION EE	Guideline to Section 2002.130 (a)
2002.ILLUSTRATION FF	Guideline to Section 2002.130 (b)
2002.ILLUSTRATION GG	Guideline to Section 2002.140 (a) and (b)
2002.ILLUSTRATION HH	Guideline to Section 2002.150
2002.ILLUSTRATION II	Guideline to Section 2002.160 (a) (1)
2002.ILLUSTRATION JJ	Guideline to Section 2002.160 (a) (2)
2002.ILLUSTRATION KK	Guideline to Section 2002.160 (a) (4)
2002.ILLUSTRATION LL	Guideline to Section 2002.160 (b)
2002.ILLUSTRATION MM	Guideline to Section 2002.160 (c)
2002.ILLUSTRATION NN	Guideline to Section 2002.170

AUTHORITY: Implementing Article XXVI and Section 149 and authorized by Section 401 of the Insurance Code [215 ILCS 5/Art. XXVI, 149 and 401].

SOURCE: Amended March 31, 1975; codified at 8 Ill. Reg. 5194; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2002.180 Enforcement Procedures**

- a) Advertising File. Each insurer shall maintain at its home or principal office a complete file containing every printed, published or prepared advertisement of its

## DEPARTMENT OF INSURANCE

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individual policies and typical printed, published or prepared advertisements of its blanket, franchise and group policies hereafter disseminated in this or any other state whether or not licensed in such other state, with a notation attached to each such advertisement which shall indicate the manner and extent of distribution and the form number of any policy advertised. Such file shall be subject to regular and periodic inspection by this Department. All such advertisements shall be maintained in said file for a period of either four years or until the filing of the next regular report of examination of the insurer, whichever is the longer period of time.

- b) Certificate of Compliance. Each insurer ~~shall prepare and maintain~~required to file an Annual Statement which is now or which hereafter becomes subject to the provisions of this Part must file with this Department with its Annual Statement a certificate of compliance which will be placed on file with the company together with the materials identified in subsection (a) above. Such certificate shall be ~~Compliance~~ executed by an authorized officer of the insurer wherein it is stated that to the best of his knowledge, information and belief the advertisements which were disseminated by the insurer during the preceding statement year complied or were made to comply in all respects with the provisions of this Part and the Insurance Laws of this State as implemented and interpreted by this Part.

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

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**Section 2002.APPENDIX A Guidelines****Section 2002.ILLUSTRATION I Guideline to Section 2002.70 (a) (1)**

This Section prohibits words, phrases or illustrations which create deception to the reader by omission or commission. The following examples are illustrations of the prohibitions created by the Section:

- a) An advertisement which describes any benefits that vary by age must disclose that fact in a manner as described in this Part. (See also ILLUSTRATION O.)
- b) An advertisement which uses a phrase such as "no age limit," if benefits or premiums vary by age or if age is an underwriting factor, must disclose that fact in a manner as described in this Part. (See also ILLUSTRATION O.)
- c) "Individualized" advertisements, applications, requests for additional information and similar materials are unacceptable if they state or imply that the recipient has been individually selected to be offered insurance or has had his eligibility for such insurance individually determined in advance, when the advertisement is directed to all persons in a group or to all persons whose names appear on a mailing list.
- d) Advertisements which indicate that a particular coverage or policy is exclusively for "preferred risks" or a particular segment of the population or that a particular segment of the population are acceptable risks, when such distinctions are not maintained in the issuance of policies, are not acceptable.
- e) Advertisements for group or franchise plans which provide a common benefit or a common combination of benefits shall not imply that the insurance coverage is tailored or designed specifically for that group, unless such is the fact.
- f) It is unacceptable to use terms such as "enroll" or "join" to imply group or blanket insurance coverage when such is not the fact.
- g) Any advertisement which contains statements such as "anyone can apply" or "anyone can join" other than with respect to a guaranteed issue policy for which administrative procedures exist to assure that the policy is issued within a reasonable period of time after the application is received by the insurer is unacceptable.

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- h) An advertisement which states or implies immediate coverage or guaranteed issuance of a policy is unacceptable unless suitable administrative procedures exist so that the policy is issued within a reasonable period of time for such immediate coverage or guaranteed issuance coverage after the application is received by the insurer.
- i) Any advertisement which uses any phrase or term such as "here is all you do to apply," "simply" or "merely" to refer to the act of applying for a policy which is not a guaranteed issue policy is unacceptable unless it refers to the fact that the application is subject to acceptance or approval by the insurer.
- j) Applications, request forms for additional information, and similar related materials are unacceptable if they resemble paper currency, bonds, stock certificates, etc.
- k) An advertisement may employ devices which are designed to create reasonable concern in the minds of those to whom they are directed. Unacceptable examples of devices which may create undue concern are:
  - 1) the use of phrases such as "cancer kills somebody every two minutes" and "total number of accidents" without reference to the total population from which such statistics are drawn- (As an example of a permissible device, data prepared by the American Cancer Society is acceptable provided the source is noted and it is not overemphasized.);
  - 2) the use of phrases such as "the finest kind of treatment," implying that such treatment would be unavailable without insurance;
  - 3) the reproduction of newspaper articles, etc., containing irrelevant facts and figures;
  - 4) the use of illustrations which unduly emphasize automobile accidents, disabled personseripples or persons confined in beds who are in obvious distress or receiving hospital or medical bills or persons being evicted from their homes due to their hospital bills;
  - 5) the use of phrases such as "financial disaster," "financial distress," "financial shock," or other phrases implying that financial ruin is likely without the insurance advertised where used in an advertisement which comes within Section 2002.70(a)(7) relating to policies covering specified

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illnesses or specified accidents only and other accident and health insurance designed primarily for supplementing an insured's basic insurance program.

- l) An advertisement which uses the word "plan" without identifying it as an "insurance plan" is not permissible.
- m) An advertisement which implies in any manner that the prospective insured may realize a profit from obtaining hospital, medical or surgical insurance coverage is not acceptable.
- n) An advertisement shall not state or imply by word, phrase or illustration that the benefits being offered will supplement any other insurance policy, insurance-type concept, or governmental plan if such is not the fact.
- o) An advertisement of a hospital or other similar facility confinement benefit that makes reference to the benefit being paid directly to the policyholder is misleading unless, in making such a reference, the advertisement includes a statement that the benefits may be paid directly to the hospital or other health care facility if an assignment of benefits is made by the policyholder. An advertisement of medical and surgical expense benefits shall comply with this Part in regard to the disclosure of assignments of benefits to providers of services. Phrases such as "you collect," "you get paid," "pays you," or other words or phrases of similar import are acceptable so long as the advertisement indicates that it is payable to the insured or someone designated by the insured.
- p) An advertisement which refers to "hospitalization for injury or sickness" omitting the word "covered" when the policy excludes certain sicknesses or injuries is unacceptable. Continued reference to "covered injury or sickness" is not necessary where this fact has been prominently disclosed in the advertisement and where the description of sicknesses or injuries not covered are prominently set forth.
- q) An advertisement which refers to "whenever you are hospitalized" or "while you are confined in the hospital" omitting the phrase "for covered injury or sickness," if the policy excludes certain injuries or sicknesses, is unacceptable. Continued reference to "covered injury or sickness" is not necessary where this fact has been prominently disclosed in the advertisement and where the description of sicknesses or injuries not covered are prominently set forth.

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- r) Advertisements which state that benefits are provided when "you go to the hospital" are unacceptable unless the advertisement clearly sets forth the extent of the coverage.
- s) An advertisement which is an invitation to contract and which fails to disclose that the definition of "hospital" does not include a nursing home, convalescent home or extended care facility, as the case may be, is unacceptable.
- t) An advertisement which is an invitation to contract and which fails to disclose any waiting or elimination periods for specific benefits is unacceptable.
- u) An advertisement for a limited policy, or a plan of insurance which covers only certain causes of loss (such as dread disease) or which covers only a certain type of loss is unacceptable if:
  - 1) the advertisement refers to a total benefit maximum limit payable under the policy in a prominent manner;
  - 2) the advertisement states any total benefit limit without stating the periodic benefit payment, if any, and the length of time the periodic benefit would be payable to reach the total benefit limit;
  - 3) the advertisement prominently displays a benefit which would not, as a general rule, be payable under an average claim.
- v) Advertisements which utilize total amounts payable under hospital room and board, medical or surgical coverage or other benefits in a policy, such as benefits for private duty nursing, are unacceptable unless the actual amounts payable per day for such indemnity or benefits are stated. (See also ILLUSTRATION M.)
- w) Examples of claims that may be paid under a policy shall not disclose only maximum benefits unless such maximum benefits are paid for loss from common and probable illnesses or accidents rather than exceptional or rare illnesses or accidents or periods of confinement for such exceptional or rare accidents or illnesses.
- x) When a range of benefit levels is set forth in an advertisement, it must be made clear that the insured will receive only the benefit level written or printed in the policy selected and issued. Language which implies that the insured may select the benefit level at the time of filing claims is unacceptable.

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- y) Language which implies that the amount of benefits payable under a loss-of-time policy may be increased at the time of claim or disability according to the needs of the insured is unacceptable.
- z) An advertisement for loss-of-time coverage which is an invitation to contract which sets forth a range of amounts of benefit levels is unacceptable unless it also states that eligibility for the benefits is based upon condition of health, income, other economic conditions, or other underwriting standards of the insurer if such is the fact.
- aa) The term "confining sickness" is an abbreviated expression and must be explained in an advertisement containing the term. Such an explanation might be as follows:
- "Benefits are payable for total disability due to confining sickness only so long as the insured is necessarily confined and under the care of a physician."
- Statements such as "Lifetime Sickness Benefits" or "Five-Year Sickness Benefits" are incomplete if such benefits are subject to confinement requirements.
- bb) Advertisements for policies whose premiums are modest because of their limited coverage or limited amount of benefits shall not describe premiums as "low," "low cost," "budget" or use qualifying words of similar import. This Part also prohibits the use of words such as "only" and "just" in conjunction with statements of premium amounts when used to imply a bargain.
- cc) Advertisements which state or imply that premiums will not be changed in the future are not acceptable unless the advertised policies so provide.
- dd) An advertisement which does not require the premium to accompany the application must not overemphasize that fact and must make the facts concerning effective date of coverage clear.
- ee) An advertisement which exaggerates the effect of statutorily mandated benefits or required policy provisions or which exaggerates the provisions or implies that such provisions are unique to the advertised policy, is unacceptable. For example, the phrase, "Money Back Guarantee" is an exaggerated description of the ten-day right to examine the policy and is not acceptable.

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- ff) An advertisement which implies that a common type of policy or a combination of common benefits is "new," "unique," "a bonus," "a breakthrough," or is otherwise unusual is unacceptable. Also, the addition of a novel method of premium payment to an otherwise common plan of insurance does not render it "new."
- gg) An advertisement which is an invitation to contract which fails to disclose the amount of any deductible and/or the percentage of any co-insurance factor is unacceptable.
- hh) An advertisement which fails to state clearly the type of insurance coverage being offered is not acceptable.
- ii) Language which states or implies that each member under a "family" contract is covered as to the maximum benefits advertised, when such is not the fact, is unacceptable.
- jj) The importance of diseases rarely or seldom found in the class of persons to whom the policy is offered shall not be exaggerated in an advertisement.
- kk) An advertisement, regardless of the media used, which is designed to produce leads in any manner or subsequent advertisement prior to contact must include information disclosing that an agent may contact the applicant if such is the fact.
- ll) Advertisements for policies designed to supplement Medicare or which are otherwise designed for issue to the elderly shall not employ devices which are designed to create undue anxiety in the minds of such persons. Such phrases as "here is where most people over 65 learn about the gaps in Medicare," or "Medicare is great, but . . ." which otherwise exaggerate the gaps in Medicare coverage, are unacceptable. Phrases or devices which unduly excite fear or concern, dependence upon relatives or charity are unacceptable. Phrases or devices which imply that long sicknesses or hospital stays are common among the elderly are unacceptable.
- mm) An advertisement implying that the coverage is supplemental to Medicare may show the extent it supplements Medicare, but must not refer to the Medicare Program and the proposed coverage to imply that with the coverage and Medicare, the patient will have no uncovered expenses unless that is in fact true.

DEPARTMENT OF INSURANCE

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

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Electrologist Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1246
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1246.10	New Section
1246.20	New Section
1246.30	New Section
1246.40	New Section
1246.50	New Section
1246.60	New Section
1246.70	New Section
1246.80	New Section
1246.90	New Section
1246.100	New Section
1246.105	New Section
1246.110	New Section
- 4) Statutory Authority: Electrologist Licensing Act [225 ILCS412]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 92-750, effective January 1, 2003, established the Electrologist Licensing Act. This proposed rulemaking provides qualifications and requirements for individuals in the practice of electrology in this State to obtain a license with the Department of Professional Regulation as an electrologist. When adopted, these rules will allow the Department to begin accepting and processing applications for licensure.  
  
Sections 1246.10, 1246.20, 1246.30, and 1246.50 set for the application process and requirements for licensure as an electrologist. Qualifications are also provided for individuals who wish to apply under the grandfather provision. Standards for sterilization and sanitation, procedures for renewal of a license and conditions for the Director of the Department to grant a variance to these rules are also provided. Fees for certification and renewal as well as general processing fees are set forth in Section 1246.40.
- 6) Do these proposed rules replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No

## DEPARTMENT OF PROFESSIONAL REGULATION

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- 9) Are there any other proposed Rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no effect on local governments.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield IL 62786  
217/785-0813  
Fax #: 217/782-7645

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing electrology services.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Training in electrology is necessary for licensure.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2003

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

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

## TITLE 68: PROFESSIONS AND OCCUPATIONS

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

## PART 1246

## ELECTROLOGIST LICENSING ACT

## Section

1246.10	Qualifications for Licensure
1246.20	Examination
1246.30	Application for Licensure By Examination
1246.40	Fees
1246.50	Endorsement
1246.60	Standards of Sterilization and Sanitation
1245.70	Continuing Education
1246.80	Renewals
1246.90	Restoration
1246.100	Inactive Status
1246.105	Granting Variances
1246.110	Dishonorable, Unethical or Unprofessional Conduct

AUTHORITY: Implementing the Electrologist Licensing Act [225 ILCS 412] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]

SOURCE: Adopted at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1246.10 Qualification for Licensure**

- a) An applicant may apply for licensure as an electrologist by filing an application on forms provided by the Department. For individuals who wish to apply under the grandfather provision, the application shall be postmarked no later than October 31, 2004 and shall include:
- 1) A complete work history documenting employment as an electrologist;
  - 2) Verification that the applicant has received compensation for practicing electrology for a period of 3 years. This may be in the form of affidavits

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from at least 3 clients or business owners who can attest to applicant's practicing electrology for compensation;

- 3) Proof of one of the following:
    - A) Current board certification by the American Electrology Association as a Certified Professional Electrologist (CPE) or Clinical Certified Electrologist (CCE) or certification from any other organization approved by the Department; or
    - B) Completion of 30 hours of continuing education in electrology as set forth in Section 1246.70; and
  - 4) the required fee set forth in Section 1246.30.
- b) Individuals applying for licensure as an electrologist, except for those qualified under the grandfather provision, shall file an application with the Department, on forms provided by the Department, that the applicant has:
- 1) Completed 600 hours in the study of electrology over a period of not less than 16 weeks nor more than 2 consecutive years at a program approved by the Department; and
  - 2) Successfully completed the IBEC (International Board of Electrology Certification) examination.

**Section 1246.20 Examination**

- a) The examination for licensed electrologists shall be the IBEC (International Board of Electrology Certification) examination.
- b) The passing score on the examination shall be the passing score of the testing entity.
- c) Applicants who fail the examination 3 times in Illinois or any other jurisdiction shall be required to submit proof of successful completion of 100 hours in an electrology education program in a course of study on the subjects of the portion failed in the third examination.

**Section 1246.30 Application for Licensure by Examination**

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Applicants for licensure based on examination shall submit to the Department a properly completed application on forms provided by the Department, along with the following:

- a) Proof of successful completion of the examination approved by the Department specified in Section 1246.20 of this Part; and
- b) The required fee set forth in Section 1246.40.

**Section 1246.40 Fees**

The following fees shall be paid to the Department and are not refundable:

- a) **Application Fees.**  
The fee for application for a license as an electrologist is \$125.
- b) **Renewal Fees.**  
The fee for the renewal of a license as an electrologist shall be \$125.
- c) **Examination.**  
Applicants for examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- d) **General Fees.**
  - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees not to exceed \$500.
  - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
  - 3) The fee for a certification of a licensee's record for any purpose is \$20.

## DEPARTMENT OF PROFESSIONAL REGULATION

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- 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 5) The fee for a roster of persons licensed as electrologists in this State shall be the actual cost of producing the roster.

**Section 1246.50 Endorsement**

- a) An applicant for licensure as an electrologist who is licensed under the laws of another state shall file an application with the Department that shall include:
  - 1) Documentation certifying that applicant meets the education requirements set forth in Section 1246.10(b);
  - 2) Documentation from all jurisdictions in which the applicant has been licensed, certifying the time during which the applicant was licensed in that jurisdiction, whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number;
  - 3) A report of the applicant's examination record forwarded directly from the test reporting service;
  - 4) Complete work history; and
  - 5) The required fee.
- b) The Department shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination then in force in this State and whether the applicant has otherwise complied with the Act.
- c) The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

**Section 1246.60 Standards of Sterilization and Sanitation**

The Department hereby incorporates by reference "Standards of Practice for Electrologists", dated April 23, 1994, as approved and amended by the American Electrology Association, and "Infection Control Standards for the Practice of Electrology", dated 2001, as approved and

## DEPARTMENT OF PROFESSIONAL REGULATION

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amended by the American Electrology Association, 106 Oakridge Road, Trumbull, Connecticut 06611.

**Section 1246.70 Continuing Education**

For the April 2008 renewal and every renewal thereafter, in order to renew a license, the licensee shall be required to complete 30 hours of continuing education. One Continuing Education Unit (CEU) is defined as 10 contact hours of participation in an organized continuing education experience.

- a) Qualifying continuing education activities are the following:
  - 1) courses offered or approved by the American Electrology Association or its affiliates;
  - 2) hospital or medical school sponsored educational offerings, provided the coursework is related to health issues of practitioners;
  - 3) credit-bearing college courses and other post-graduate classes for continuing education credit offered at a regionally accredited academic institution, provided the coursework is clearly related to electrology theory, technical and clinical aspects of electrolysis, electrology research, ethical or legal aspects of practicing electrolysis or health issues of electrologists;
  - 4) any other courses approved by the Department.
- b) Continuing education activities shall meet the following requirements:
  - 1) the activity involves face-to-face instruction or a home study program;
  - 2) the provider implements a mechanism to monitor and document physical attendance at such instruction or to verify licensee completion in the case of a home study program;
  - 3) the provider retains written records for a period of 3 years from the participant's actual successful completion of the activity, including but not limited to: content description; instructor; date of activity; location of activity; list of participants; participant's evaluation of instruction presented; and number of contact hours; and

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- 4) the provider issues a certificate of completion after the participant's successful completion of the activity. The certificate shall include the participant's name, provider's name, title or subject area of the activity, date and location of attendance, and number of contact hours completed.

**Section 1246.80 Renewals**

- a) The first renewal date for licensure under the Electrologist Licensing Act [225 ILCS 412] (Act) shall be April 30, 2006. Thereafter, every license issued under the Act shall expire on April 30 of even numbered years. The holder of the license may renew the license during the month preceding the expiration date by paying the required fee and proof of 30 hours of continuing education in accordance with Section 1245.70.
- b) It is the responsibility of each license holder to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- c) Practice on an expired license shall be considered the unlicensed practice of electrology and subject to discipline or other penalties set forth in Section 75 of the Act.

**Section 1246.90 Restoration**

- a) A person seeking restoration of a license that has expired for 5 years or less shall have the license restored upon payment of all lapsed renewal fees and proof of 30 hours of continuing education.
- b) A person seeking restoration of a license that has been placed on inactive status for 5 years or less shall have the license restored upon payment of the current renewal fee and proof of 30 hours of continuing education.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, including the applicant's work history since the license expired, the required fee and proof of 30 hours of continuing education completed within the 24 months preceding the date of application. The person shall also submit one of the following:

## DEPARTMENT OF PROFESSIONAL REGULATION

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- 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of active practice; or
- 2) An affidavit attesting to military service as provided in Section 60 of the Act.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be requested to provide information as may be necessary.
- e) Upon the recommendation of the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

**Section 1246.100 Inactive Status**

- a) An electrologist who notifies the Department, on forms provided by the Department, may place his or her license on inactive status and shall be excused from paying renewal fees until he/she notifies the Department in writing of the intention to resume active practice.
- b) Any electrologist seeking restoration from inactive status shall do so in accordance with Section 1246.80.
- c) Any person violating this Section shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

**Section 1246.105 Granting Variances**

The Director may grant variances from this Part in individual cases where he or she finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by the granting of the variance; and

## DEPARTMENT OF PROFESSIONAL REGULATION

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- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

**Section 1246.110 Dishonorable, Unethical or Unprofessional Conduct**

- a) The Department may suspend or revoke a license, refuse to issue or renew a license or take disciplinary action, based upon its finding of dishonorable, unethical or unprofessional conduct within the meaning of Section 75 of the Act.
- b) The Department hereby incorporates by reference “Standards of Practice for Electrologists”, developed by the American Electrology Association and approved April 23, 1994.

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- 1) Heading of the Part: Humane Euthanasia in Animal Shelters Act
- 2) Code Citation: 68 Ill. Adm. Code 1248
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1248.10	New Section
1248.20	New Section
1248.30	New Section
1248.40	New Section
1248.50	New Section
1248.55	New Section
1248.60	New Section
1248.70	New Section
1248.80	New Section
1248.90	New Section
1248.100	New Section
1248.110	New Section
- 4) Statutory Authority: Humane Euthanasia in Animal Shelters Act [510 ILCS 72]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 92-449, effective January 1, 2002, provides for animal shelters or animal control facilities licensed by the Department of Agriculture to be certified by the Department of Professional Regulation as euthanasia agencies. When adopted, these rules will allow the Department to begin accepting and processing applications for certification.  
  
Sections 1248.30 and 1248.40 set forth the application process and requirements for euthanasia agencies, while 1248.50 details the requirements for certification as a euthanasia technician. Included are the procedures for storing the drugs to be used, as well as equipment requirements that must be met. The rules also set forth procedures on record retention, renewal of a certification and under what circumstances the Director of the Department may grant variances to these rules. Fees for certification and renewal, as well as general processing fees, are set forth in Section 1248.20.
- 6) Do these proposed Rules replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No

## DEPARTMENT OF PROFESSIONAL REGULATION

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- 9) Are there any other proposed Rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governments.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield IL 62786  
217/785-0813  
Fax: 217/782-7645

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing euthanasia services in animal shelters.
- B) Reporting, bookkeeping or other procedures required for compliance: Various records relating to controlled substances and animals euthanized are required to be maintained.
- C) Types of professional skills necessary for compliance: Training in administration of euthanasia drugs is necessary for certification.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2003

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

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## TITLE 68: PROFESSIONS AND OCCUPATIONS

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

## PART 1248

## HUMANE EUTHANASIA IN ANIMAL SHELTERS ACT

## Section

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AUTHORITY: Implementing the Humane Euthanasia in Animal Shelters Act [510 ILCS 72] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1248.10 Definitions**

"Act" means the Humane Euthanasia in Animal Shelters Act [510 ILCS 72].

"DEA" means the United States Department of Justice Drug Enforcement Administration.

"Department" means the Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

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"Euthanasia agency" means an entity certified by the Department for the purpose of animal euthanasia that holds an animal control facility or animal shelter license under the Animal Welfare Act [225 ILCS 605].

"Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) as set forth in the Illinois Controlled Substances Act [720 ILCS 570] that are used by a euthanasia agency for the purpose of animal euthanasia.

"Euthanasia technician" or "technician" means a person employed by a euthanasia agency or working under the direct supervision of a veterinarian and who is certified by the Department to administer euthanasia drugs to euthanize animals.

"Veterinarian" means a person holding the degree of Doctor of Veterinary Medicine who is licensed under the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115].

**Section 1248.20 Fees**

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
  - 1) The fee for application for certification as a euthanasia agency is \$200.
  - 2) The fee for application for a certification as a euthanasia technician is \$150.
- b) Renewal Fees.
  - 1) The fee for the renewal of certification as a euthanasia agency shall be calculated at the rate of \$50 per year.
  - 2) The fee for the renewal of certification as a euthanasia technician shall be calculated at the rate of \$50 per year.
- c) General Fees.
  - 1) The fee for the restoration of a certification other than from inactive status is \$20 plus payment of all lapsed renewal fees not to exceed \$300.

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- 2) The fee for the issuance of a duplicate certificate, for the issuance of a replacement certificate for a certification that has been lost or destroyed, or for the issuance of a certification with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate certificate is issued.
- 3) The fee for an inspection of a euthanasia agency in order to obtain a controlled substance license is \$50.
- 4) The fee for verification of an individual's or agency's record for any purpose is \$20.
- 5) The fee for a wall certificate showing certification shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons or agencies certified under the Act in this State shall be the actual cost of producing the roster.
- 7) The fee for relocating or changing ownership of a euthanasia agency is \$200.

**Section 1248.30 Application for Certification as a Euthanasia Agency**

- a) Pursuant to Section 25 of the Act, applications for certification as a euthanasia agency shall be made to the Department, in writing, on forms provided by the Department. The applications shall include:
  - 1) Proof of holding an active and unencumbered license under the Animal Welfare Act as an animal control facility or an animal shelter;
  - 2) The fee set forth in Section 1248.20.
- b) In order to purchase, store, and possess Schedule II and Schedule III drugs for the euthanization of animals, the agency shall be required to obtain an Illinois controlled substance license in accordance with 77 Ill. Adm. Code 3100 and a federal controlled substance license issued by the Drug Enforcement Administration pursuant to the Federal Controlled Substances Act (21 USC 301 et seq.).

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- c) A euthanasia agency shall be inspected by the Department prior to the issuance of the controlled substance license.

**Section 1248.40 Requirements of a Euthanasia Agency**

- a) Euthanasia may only be performed in a certified agency by a certified euthanasia technician, a licensed veterinarian or an instructor during an approved course in humane euthanasia.
- b) The agency shall designate a person who is responsible for ordering the euthanasia drugs and who is responsible for the security of the agency's euthanasia drugs. A certified technician may only perform euthanasia in a certified euthanasia agency or under the supervision of a licensed veterinarian. The technician may not personally possess, order or administer a controlled substance except as an agent of the euthanasia agency.
- c) The euthanasia agency shall notify the Department in writing within 30 days after a termination of a euthanasia technician from the agency.
- d) The euthanasia agency shall notify the Department when the location of a facility is changing.
- e) The agency shall comply with the requirements of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], Federal Food, Drug and Cosmetic Act (21 USC 301 et seq.), federal Controlled Substances Act (21 USC 801 et seq.) and the Illinois Controlled Substances Act [720 ILCS 570].
- f) The agency shall comply with the following requirements for the handling and storage of drugs:
  - 1) Euthanasia drugs shall be kept in a securely locked cabinet or safe.
    - A) Each agency shall maintain a written current list of designated certified euthanasia technicians.
    - B) Access to the drug storage cabinet or safe shall be limited to licensed veterinarians and certified euthanasia technicians. These persons shall be responsible for the security of the euthanasia drugs

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and shall allow withdrawal of the euthanasia drugs only to a person certified by the Department.

- C) Needles shall be of medical quality and shall not be reused.
  - D) Syringes shall be of medical quality. They may be reused if they are properly cleaned.
  - E) Used needles and syringes shall be disposed of in a manner that makes their reuse impossible.
- 2) Proper Storage. When no certified euthanasia technician is on duty, proper storage for euthanasia drugs is in a secure locked storage cabinet or metal safe.
- A) The cabinet shall be of such material and construction that it will withstand strong attempts to break into it.
  - B) The cabinet shall be securely attached to the building in which it is housed.
  - C) The temperature and environment in the storage cabinet or metal safe shall be adequate to assure the proper keeping of the drug.
- 3) Proper Labeling and Reporting
- A) Shipment records showing receipt of the euthanasia drugs shall be maintained and include information required by federal law. Upon removal from the shipment carton, each individual container of a euthanasia drug shall be labeled with the drug name and strength, the date the drug was prepared, a drug hazard warning label and the name and address of the agency owning the drug.
  - B) Administration records showing the date a euthanasia drug was administered, weight, species of animal and dosage administered for euthanasia, identification of the person who administers the euthanasia drug and identification of the veterinarian or certified euthanasia technician who supervised the dosage administered shall be maintained.

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- C) The certified euthanasia agency will submit to the Department the number of dogs, cats, puppies and kittens and other species euthanized each calendar year by January 31 of the next year. For the purposes of this Section, puppies are dogs younger than 4 months of age, kittens are cats younger than 4 months of age, dogs are canines 4 months of age or older and cats are felines 4 months of age or older. The report shall also include the total amount of drugs used for the year and the amount of drugs wasted. This record shall be kept by the Department.
  - D) Records of wastage shall be maintained and signed by the person administering the euthanasia drug and the person responsible for security.
  - E) A monthly record of verification of the stock on hand, minus the amounts withdrawn for administration, signed by the person responsible for security.
  - F) Disposal records of any expired or unwanted euthanasia drugs shall be maintained.
- 4) Temporary Storage. When a certified euthanasia technician is on duty and when animals are being euthanized throughout the workday, euthanasia drugs may be kept in a temporary storage cabinet. The cabinet shall be constructed of any strong material and shall be securely locked. The key to this cabinet shall be available only to a veterinarian or certified euthanasia technician.
- 5) Proper Sanitation. The area shall be clean and regularly disinfected.
- 6) Other site conditions relevant to the proper euthanasia environment.
- A) Each agency shall have a specific area designated for euthanasia. The area shall be:
    - i) A separate room; or
    - ii) An area that is physically separated from the rest of the agency by a wall, barrier, or other divider; or

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- iii) An area that is not used for any other purpose while animals are being euthanized.
- B) The euthanasia area shall meet the following minimum standards:
- i) Lighting shall be bright and even;
  - ii) The air temperature shall be within a reasonable comfort range for both the personnel and the animals;
  - iii) The area shall have adequate ventilation that prevents the accumulation of odors.
- C) The euthanasia area shall have the following equipment:
- i) A table or other work area where animals can be handled while being euthanized;
  - ii) A cabinet, table or workbench where the drugs, needles, syringes and clippers can be placed.
- D) The following materials shall be kept in the euthanasia area or shall be brought to the area each time an animal is euthanized:
- i) A first aid kit that meets minimum first aid supply standards;
  - ii) One or more tourniquets;
  - iii) Standard electric clippers;
  - iv) Animal control stick for dogs and animal net for cats. The use of control sticks, squeeze gates, nets and squeeze cages or other restraint devices shall be limited to fractious, feral, vicious or dangerous animals. Control sticks shall never be used on cats, except in such extreme cases where no other sedation methods can be used;
  - v) Stethoscope;

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- vi) Towels, sponges, disinfectant;
  - vii) Eyewash station.
- g) All equipment shall be in good working order. Failure to comply with the requirements set forth in this Section may be grounds for discipline in accordance with Sections 65, 90, and 165 of the Humane Euthanasia in Animal Shelters Act.

**Section 1248.50 Application for a Euthanasia Technician Certification**

Pursuant to Section 35 of the Act, an applicant may apply for certification as a euthanasia technician by filing an application on forms provided by the Department and shall:

- a) Be at least 18 years of age.
- b) Be of good moral character. In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or activities that would constitute grounds for discipline under this Act.
- c) Fingerprinting
  - 1) Verification of fingerprint processing from the Illinois Department of State Police, or its approved vendor. Applicants shall contact the approved vendor for fingerprint processing.
  - 2) Out-of-state residents unable to utilize the State Police fingerprint process may submit to the approved vendor one fingerprint card issued by the Federal Bureau of Investigation, accompanied by the fee specified by the vendor. Fingerprints shall be taken within the 60 days prior to application.
- d) Hold a current license or certification from one of the following:
  - 1) American Humane Association;
  - 2) National Animal Control Association;
  - 3) Illinois Federation of Humane Societies; or
  - 4) Humane Society of the United States.

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- e) Pay the required fee set forth in Section 1248.20.

**Section 1248.55 Endorsement**

- a) An applicant who is currently licensed under the laws of another state or territory of the United States shall file an application with the Department, together with:
  - 1) A certification by the state or territory of original licensure, stating that the applicant has been engaged in the practice of euthanasia for a period of not less than one year;
  - 2) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
  - 3) The fee as required by Section 1248.20.
- b) The Department shall examine each application to determine whether the requirements at the time of licensure in the state where the applicant was licensed were substantially equivalent to the requirements then in force in this State.

**Section 1248.60 Duties of a Euthanasia Technician**

The duties of a certified euthanasia technician shall include, but are not limited to:

- a) Correctly identifying and preparing animals for euthanasia;
- b) Scanning for microchips or other identification prior to euthanasia;
- c) Understanding the needs of individual animals;
- d) Using restraint measures only on fractious, feral, vicious or dangerous animals;
- e) Accurately recording dosages administered and drugs wasted;
- f) Ordering supplies;
- g) Maintaining the security of all controlled substances and drugs;
- h) Reporting to the Department violations or suspicion of violations of this Part or any abuse of drugs;

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- i) Humanely euthanizing animals;
- j) Verification of death by using a cardiac puncture, stethoscope or by recognizing the signs of rigor mortis;
- k) Proper and lawful disposal of euthanized animals.

**Section 1248.70 Renewals**

- a) The first renewal date for certification under the Act shall be April 30, 2006. Thereafter, every certification issued under the Act shall expire on April 30 of even numbered years. The holder of a certification may renew the certification during the month preceding the expiration date by paying the required fee.
- b) It is the responsibility of each certificate holder to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- c) Practice on an expired certification shall be considered unlicensed practice and shall be grounds for discipline pursuant to Section 10 of the Act.

**Section 1248.80 Restoration of a Euthanasia Technician Certification**

- a) A person seeking restoration of a euthanasia technician certification that has expired for 5 years or less shall have the certification restored upon payment of all lapsed renewal fees.
- b) A person seeking restoration of a certificate that has been placed on inactive status for 5 years or less shall have the certificate restored upon payment of the current renewal fee.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, including the applicant's work history since the certification expired and the fee. The person shall also submit one of the following:
  - 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority

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in the other jurisdiction that the registrant was authorized to practice during the term of active practice; or

- 2) An affidavit attesting to military service as provided in Section 45 of the Act.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be requested to provide information as may be necessary.
- e) Upon the recommendation of the Director, an applicant shall have the certification restored or will be notified in writing of the reason for the denial of the application.

**Section 1248.90 Establishing, Relocating or Changing Ownership**

- a) Any person who desires to establish, relocate or change the ownership of a euthanasia agency shall file an application on forms supplied by the Department, together with the fee required in Section 1248.20.
- b) Upon determination that the application is in good order, an inspection of the premises will be conducted to determine compliance with Section 25 of the Act.

**Section 1248.100 Inactive Status**

- a) A euthanasia technician who notifies the Department, on forms provided by the Department, may place his or her certification on inactive status and shall be excused from paying renewal fees until he or she notifies the Department in writing of the intention to resume active practice.
- b) Any euthanasia technician seeking restoration from inactive status shall do so in accordance with Section 1248.80.
- c) Any person violating this Section shall be considered to be practicing without a certificate and shall be subject to the disciplinary provisions of the Act.

**Section 1248.110 Granting Variances**

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The Director may grant variances from this Part in individual cases where he/she finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by the granting of the variance; and
- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

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- 1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1270
- 3) Section Numbers:      Proposed Action:  
1270.10                      Amendment  
1270.30                      Amendment  
1270.45                      Amendment  
1270.58                      Amendment
- 4) Statutory Authority: Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking implements the provisions contained in PA 93-0467. Section 1270.10 clarifies the requirements for obtaining experience as a land surveyor; Section 1270.30 clarifies the evaluation process for graduates of foreign programs; Section 1270.45 more clearly defines a resident land surveyor in Illinois; and Section 1270.58 provides additional standards for acceptable seal requirements.
- 6) Will these amendments replace an emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield IL 62786  
217/785-0813

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

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing land surveyor services.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Land surveying skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 2003

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

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

## PART 1270

## ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

## Section

1270.5	Application for Licensure as a Professional Land Surveyor-in-Training by Examination
1270.10	Application for Licensure as a Professional Land Surveyor by Examination
1270.13	Experience
1270.15	Definition of Related Science
1270.20	Examinations
1270.30	Endorsement
1270.35	Inactive Status
1270.40	Restoration
1270.45	Professional Design Firm
1270.50	Renewals
1270.52	Fees
1270.55	Land Surveyor Complaint Committee
1270.56	Minimum Standards of Practice
1270.57	Standards of Professional Conduct
1270.58	Seal Requirements
1270.60	Granting Variances
1270.65	Professional Development
1270.APPENDIX A	Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

AUTHORITY: Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified and amended at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill.

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Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. 16071, effective November 17, 1995; amended at 20 Ill. Reg. 5852, effective April 3, 1996; amended at 21 Ill. Reg. 14252, effective October 15, 1997; amended at 24 Ill. Reg. 576, effective December 31, 1999; amended at 24 Ill. Reg. 13719, effective August 28, 2000; amended at 24 Ill. Reg. 17548, effective November 20, 2000; amended at 25 Ill. Reg. 3865, effective March 1, 2001; amended at 26 Ill. Reg. 12263, effective July 24, 2002; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1270.10 Application for Licensure as a Professional Land Surveyor by Examination**

An applicant for licensure as a Professional Land Surveyor shall file an application, on forms supplied by the Department, by November 15 for the spring examination and May 15 for the fall examination. The application shall include the following:

- a) Verification of education.
- b) Proof of holding a license as a Professional Land Surveyor-in-Training.
- c) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed as a Surveyor-in-Training and/or Land Surveyor and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
  - 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
  - 2) A description of the examination in that jurisdiction; and
  - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- d) Verification of experience form, completed by a professional licensed land surveyor who was in direct control of his or her activities ~~the supervisor who is a licensed land surveyor~~, indicating at least 4 years of responsible charge

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experience in land surveying as set forth in Section 1270.13.

- e) A complete work history indicating all employment since passage of the Fundamentals of Surveying examination.
- f) The required fee specified in Section 1270.52.
- g) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.
- h) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants may shall obtain ~~the~~ forms from the American Association of Collegiate Registrants, 1 Dupont Circle, N.W., Suite 370, Washington, D.C. 20036-1110 or other entity approved by the Board to evaluate educational programs-National Council of Examiners for Engineers (NCEES), P.O. Box 1686, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in this Section and Section 1270.15.

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

**Section 1270.30 Endorsement**

- a) An applicant who is licensed or registered to practice Land Surveying as a Professional Land Surveyor or a Professional Land Surveyor-in-Training under the laws of another state or territory of the United States who desires to become licensed by endorsement shall file an application with the Department together with:
  - 1) Proof that the applicant has met the requirements substantially equivalent to those in force in this state for a Licensed Professional Land Surveyor at the time of original or subsequent licensure by examination in the other state or territory, including certification of education, and verification of

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experience as appropriate;

- 2) A certification by the state or territory of original licensure and certification from the state or territory of predominant active practice, including the following:
  - A) The time during which the applicant was licensed in that state or territory, including the date of the original issuance of the license;
  - B) The basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and
  - C) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant;
- 3) A complete work history indicating all employment since fulfillment of educational requirements;
- 4) The required fee specified in Section 1270.52;
- 5) Applicants who received a license after January 1, 1997 and who received their education in a foreign country shall have the education evaluated at their expense. Applicants ~~may shall~~ obtain ~~the~~ forms from the [American Association of Collegiate Registrants, 1 Dupont Circle, N.W., Suite 370, Washington, D.C. 20036-1110 or other entity approved by the Board to evaluate educational programs-National Council of Examiners for Engineers \(NCEES\), P.O. Box 1686, Clemson, South Carolina 29633-1686](#). The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in this Section and Section 1270.15;
- 6) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who were licensed after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was

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taught in English.

- b) An applicant for licensure under this Section shall be required to appear before the Board for an oral interview if the Department has questions about the applicant's application, because of discrepancies or conflicts in information, information needing further clarification and/or missing information.
- c) Applicants for licensure on the basis of endorsement shall successfully complete the Illinois Jurisdictional Examination as set forth in Section 1270.20.
- d) The Department shall examine each endorsement application to determine whether the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in force in the State of Illinois. The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of such application.

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

**Section 1270.45 Professional Design Firm**

- a) Persons who desire to practice land surveying in the State of Illinois in the form of a corporation, professional service corporation, partnership, limited liability company or limited liability partnership or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act [805 ILCS 405]) pursuant to Section 25 of the Act, shall file an application with the Department on forms provided by the Department, together with the following:
  - 1) For Corporations or Professional Service Corporations. (Registration as a professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act [805 ILCS 10/12]).
    - A) The name of the corporation and its registered address, the names of all members of the board of directors and officers, and the name of the state and license number for each director who is a licensed design professional.
    - B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that

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jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in the State of Illinois issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide land surveying services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm registration.

- C) A signed and dated resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in Illinois. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.
  - D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable.
  - E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- 2) For Partnerships.
- A) General
    - i) A copy of the signed and dated partnership agreement authorizing the partnership to provide land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
    - ii) A signed and dated resolution adopted by the general partners designating a regular full-time employee of the partnership who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in

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this State. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.

- iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.
- iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

## B) Limited Partnership

- i) A copy of the signed and dated partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
- ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois licensed land surveyor in this State as the managing agent in charge of land surveying activities. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.
- iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- iv) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.

## 3) For Limited Liability Companies or Limited Liability Partnerships.

- A) An application containing the name of the limited liability company or partnership, the business address and the

## DEPARTMENT OF PROFESSIONAL REGULATION

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members/partners of the company/partnership, the name of the state and the license number of each member/partner licensed as a design professional.

- B) A signed and dated resolution of the members or partners designating a full-time employee who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in this State. The Illinois license number of the managing agent shall also be included in the resolution.
  - C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer land surveying services.
  - D) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
  - E) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.
- 4) For Sole Proprietorships with an Assumed Name.
- A) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the land surveyor who owns and operates the business.
  - B) A letter or certificate received from the county clerk where an assumed name has been filed.
- 5) A list of all office locations at which the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship provides land surveying services. *Any professional services corporation, sole proprietorship, or professional design firm offering land surveying services must have a resident land surveyor overseeing the land surveying practices in each location in which land surveying services are provided.* (Section 25(h) of the Act) A resident land surveyor is defined as an Illinois Licensed Land Surveyor who is **physically present in the office** supervising the professional land surveying operations **of the office** a

## DEPARTMENT OF PROFESSIONAL REGULATION

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minimum of 40 hours a week or 80 percent of the hours the office is open, whichever is greater.

- 6) The fee required in Section 1270.52.
- b) A professional design firm may designate more than one managing agent in charge of land surveying activities.
  - c) Upon receipt of the above documents and review of the application, the Department shall issue a registration authorizing the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to engage in the practice of land surveying or notify the applicant in writing of the reason for the denial of the application.
  - d) Each corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship with an assumed name shall be responsible for notifying the Department in writing within 30 days after any changes in:
    - 1) The membership of the board of directors, members/partners of the limited liability company/partnership or the general partners;
    - 2) The licensure status of any of the general partners, members/partners of the limited liability company/partnership or any of the licensed design professional members of the board of directors; and
    - 3) An assumed name.
  - e) Each corporation, professional service corporation, limited liability company/partnership or partnership shall be responsible for notifying the Department in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Department, has 30 days to notify the Department of the name and license number of the land surveyor licensed in Illinois who is the newly designated managing agent.
  - f) Any failure to notify the Department as required in subsections (d) and (e) above or any failure of the corporation, professional service corporation, limited liability company/partnership or partnership to continue to comply with the requirements

## DEPARTMENT OF PROFESSIONAL REGULATION

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of Section 25 of the Act will subject the corporation, limited liability company/partnership or partnership to the loss of its registration to practice land surveying in Illinois.

- g) Sole Proprietorships. Any sole proprietorship owned and operated by a land surveyor who has an active Illinois license is exempt from the registration requirement of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietorship shall file an application in accordance with subsection (a)(4). Any sole proprietorship not owned and operated by an Illinois licensed land surveyor shall be prohibited from offering land surveying services to the public.
- h) In addition to the seal requirements in Section 15 of the Act, all documents or technical submissions prepared by the professional design firm shall contain the professional design firm registration number issued by the Department.

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

**Section 1270.58 Seal Requirements**

Every individual professional land surveyor shall have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number of the professional land surveyor, and the words "Professional Land Surveyor ~~professional land surveyor~~, State of Illinois". Signatures generated by computer or rubber stamp shall not be permitted. A professional land surveyor shall seal all documents prepared by or under the direct supervision and control of the professional land surveyor. Any seal on a plat of survey, which bears the name of a professional design firm, rather than bearing the name of the individual licensed professional land surveyor responsible for the survey, shall be deemed an invalid seal. The individual licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal. Computer generated signatures will not be permitted.

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

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- 1) Heading of the Part: Optometric Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1320
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1320.100	Amendment
1320.350	Amendment
1320.400	Amendment
1320.410	Amendment
- 4) Statutory Authority: Optometric Practice Act of 1987 [225 ILCS 80]
- 5) A Complete Description of the Subjects and Issues Involved: The Department, with input and guidance from the Board of Optometry, is amending Section 1320.100 to provide operational guidelines for mobile or non-permanent optometry offices. This is being done to insure that services within these mobile units are being performed as outlined by the Optometric Practice Act. Section 1320.350 is amended to provide for the acceptance of therapeutic training received prior to 1994 in limited circumstances. Section 1320.410 provides for the waiver of fees for ancillary licenses if an optometrist is substituting for a licensee called to active military duty.
- 6) Will these amendments replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor

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Springfield, IL 62786  
217/785-0813

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

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of optometrists.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Optometry skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 2003

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1320  
OPTOMETRIC PRACTICE ACT OF 1987

## SUBPART A: OPTOMETRY

## Section

1320.20	Approved Programs of Optometry
1320.30	Application for Licensure
1320.35	Application for a Limited Residency License
1320.40	Examinations
1320.45	Fees (Emergency Expired)
1320.50	Endorsement
1320.55	Renewals (Renumbered)
1320.60	Inactive Status
1320.70	Restoration
1320.80	Continuing Education
1320.90	Minimum Eye Examination
1320.95	Minimum Equipment List
1320.100	Practice of Optometry
1320.110	Advertising
1320.120	Granting Variances (Renumbered)

## SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

## Section

1320.200	Standards
1320.210	Application for Diagnostic Certification
1320.220	Approved Diagnostic Topical Ocular Pharmacological Training
1320.230	Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
1320.240	Restoration of Diagnostic Certification
1320.250	Endorsement of Diagnostic Certification
1320.260	Renewal of Certification (Repealed)
1320.270	Display of Certification (Repealed)

## SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

## Section

1320.300	Definitions and Standards
1320.310	Application for Therapeutic Certification
1320.315	Controlled Substance License Requirement
1320.320	Approved Therapeutic Ocular Training
1320.330	Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
1320.340	Restoration of Therapeutic Certification
1320.350	Endorsement of Therapeutic Certification

## SUBPART D: GENERAL

## Section

1320.400	Fees
1320.410	Ancillary Licenses
1320.420	Renewals
1320.430	Granting Variances

**AUTHORITY:** Implementing the Illinois Optometric Practice Act of 1987 [225 ILCS 80] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

**SOURCE:** Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128, effective August 15, 1990; amended at 17 Ill. Reg. 18096, effective October 4, 1993; amended at 17 Ill. Reg. 21501, effective December 1, 1993; amended at 19 Ill. Reg. 17150, effective December 19, 1995; amended at 20 Ill. Reg. 9068, effective July 1, 1996; amended at 21 Ill. Reg. 16040, effective November 24, 1997; amended at 23 Ill. Reg. 5744, effective April 30, 1999; amended at 24 Ill. Reg. 3656, effective February 15, 2000; amended at 27 Ill. Reg. 2677, effective January 31, 2003; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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## SUBPART A: OPTOMETRY

**Section 1320.100 Practice of Optometry**

- a) The practice of optometry as defined in Section 3 of the Act shall include, but not be limited to, the following functions:
- 1) Prescribing and fitting of any ophthalmic lenses including contact lenses.
  - 2) Retinoscopy.
  - 3) Tonometry.
  - 4) Keratometry.
  - 5) Subjective lens testing.
  - 6) Phoria testing.
  - 7) Biomicroscopy.
  - 8) Ophthalmoscopy.
  - 9) Electronic or computerized examination techniques that utilize devices that perform any of the above functions.
  - 10) Visual screening.
  - 11) Diagnosis and treatment of any ocular abnormality, disease or visual or muscular anomaly of the human eye or visual system.
- b) Visual Screening
- 1) Nothing in this Section shall prohibit visual screening conducted without a fee other than a voluntary donation by a charitable organization or governmental agency, acting in the public welfare under the supervision of a committee composed of persons licensed by the State to practice optometry or medicine in all of its branches.

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- 2) Visual screening is defined as a limited series of ocular observations, measurements or tests provided without a fee to determine if a complete eye examination, as described in Section 1320.90, by a licensed optometrist or a physician licensed to practice medicine in all of its branches, is recommended.
  - 3) When a visual screening is performed, the recipient of the screening shall be clearly informed in writing and shall receive a copy of the following:
    - A) Results and limitations of the screening;
    - B) That the screening is not representative of or a substitute for an eye exam;
    - C) That the screening will not result in a prescription for visual correction;
    - D) That visual screening referral criteria for a complete eye examination must meet accepted optometric professional standards criteria; and
    - E) The name and address of the charitable organization sponsoring the screening and the chairperson of the supervisory committee.
  - 4) A copy of the screening results shall be maintained for 3 years by the chairperson of the supervisory committee or the optometrist performing the screening.
- c) No ophthalmic lenses, prisms, or contact lenses may be sold or delivered to an individual without a prescription signed by a licensed optometrist or a physician licensed to practice medicine in all of its branches.
  - d) The following acts shall not be performed by an individual not licensed in this State as an optometrist or to practice medicine in all of its branches except while acting under the direct supervision of a person so licensed:
    - 1) Conducting or performing examinations of the human eye or its appendages employing either objective or subjective means, or both for the purpose of adapting lenses to the eyes of any person;

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- 2) Using instruments or appliances of any type to determine the curvatures of the eye or of the cornea of any person for the purpose of ordering or supplying contact lenses for the person;
  - 3) Determining, selecting or specifying the lens characteristics or the lens curvatures of contact lenses to be supplied to any person;
  - 4) Converting, altering, or varying in any manner a prescription for contact lenses prepared by an optometrist or a person licensed to practice medicine in all its branches in this State;
  - 5) Converting, altering, or varying in any manner a prescription for spectacles prepared by an optometrist or a person licensed to practice medicine in all of its branches in this State, including converting a spectacle prescription into a prescription for contact lenses;
  - 6) Inserting, removing, adjusting or adapting contact lenses for the purpose of selecting, specifying or furnishing contact lenses for use by any person;
  - 7) Conducting or performing any examination of the human eye or its appendages employing either objective or subjective means or both for the purpose of determining the effects that may have resulted from wearing contact lenses by any person;
  - 8) Where a person has been provided with contact lenses pursuant to a prescription by an optometrist or a person licensed to practice medicine in all of its branches in this State, adjusting, adapting or changing the lens characteristics or the lens curvatures of the contact lens in any manner whatsoever;
  - 9) Advertising, representing or informing the general public by any means, including, but not limited to, display advertising in newspapers and telephone directories within the State of Illinois, that he/she will fit or adapt contact lenses for the use of any person.
- e) Direct supervision of any person assisting an optometrist means:
- 1) The optometrist personally performs those procedures requiring professional judgment. Professional judgment requires that the optometrist shall perform those procedures for the diagnosis and treatment of anomalies of the eye, adnexa, and the visual system, including for

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example, but not limited to, biomicroscopy, ophthalmoscopy, all therapeutic procedures and the prescribing of any ophthalmic lenses, including contact lenses.

- 2) The optometrist shall specify all procedures to be performed by the assistant.
  - 3) The optometrist is present in the facility while the assistant performs the procedure (does not mean that the optometrist must be present with the patient while the specified procedures are being performed).
  - 4) The optometrist approves the results of the procedures performed by the assistant before dismissal of the patient.
- f) Requirements for the minimum eye exam as outlined in Section 1320.90 are still applicable and are not changed or altered by the provisions of this Section.
- g) When the practice of optometry is conducted at a mobile or non-permanent location, the following shall apply:
- 1) Notice shall be given to the Department of the locations of such mobile examinations, the times they will be given and the names and ancillary license number of the optometrist providing services at that location. Notices shall be postmarked no later than 15 days prior to the examination.
  - 2) Notice shall be given to the Department and the patient of the location where examination records are to be maintained in accordance with Section 1320.90 and the name and address of the individual or office where the patient can access and obtain copies of his or her records.
  - 3) Notice shall be given to the Department and the patient of the name and address of the examining optometrists and the location where follow-up services will be provided. A protocol shall be established for each mobile location to provide for the follow-up and referral of the patient to appropriate permanent optometric or healthcare locations when needed.
  - 4) If the patient is a minor child, parental approval shall be obtained prior to any examination and the case history as required by Section 1320.90 shall be obtained from the parent or guardian.

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- 5) All equipment, as required by Section 1320.95, shall be present, operable and available for use.
- 6) All ancillary licenses shall be displayed in plain view of the patient.
- 7) Vision screenings conducted in conjunction with a mobile location shall be done in accordance with subsection (b).
- 8) Mobile locations must meet all other requirements of the Act and this Part and any other State or federal requirements.
- 9) Mobile locations do not include homes, hospitals or institutions exempted from licensure under Section 1320.410(d) or Section 7 of the Act.

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

## SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS

**Section 1320.350 Endorsement of Therapeutic Certification**

- a) An applicant who was originally licensed to practice optometry in another jurisdiction after January 1, 1996 shall be required to apply for and maintain therapeutic ocular pharmaceutical certification.
- b) An applicant who is licensed or certified under the laws of another jurisdiction to use equivalent therapeutic ocular pharmaceutical agents shall file an application with the Department, on forms provided by the Department, together with:
  - 1) An application for licensure as an optometrist and an application for certification of diagnostic topical ocular pharmaceuticals in the State of Illinois;
  - 2) A certification from the licensing authority of the jurisdiction of original licensure, and any other jurisdiction in which the applicant is licensed, stating:
    - A) The time during which the applicant was licensed in that state;
    - B) Whether the records of the licensing entity contain any record of

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disciplinary actions taken or pending against the applicant;

- C) A description of the examination and grade received;
- 3) A certification of education and a transcript of the therapeutic ocular pharmaceutical agent training received and any continuing education completed in therapeutics.
- A) The therapeutic training shall be equivalent to the training set forth in Section 1320.320 and shall have been completed after January 1, 1994;
- B) Therapeutic training received prior to January 1, 1994 may be approved by the Board if the applicant has practiced optometry for a minimum of 10 years utilizing therapeutic pharmaceutical agents under the laws of another jurisdiction that are substantially equivalent to those of Illinois and the applicant has done so with no related disciplinary action. The training shall be substantially equivalent to the training set forth in Section 1320.320;
- 4) A copy of the Acts and rules in effect at the time of original certification or licensure; and
- 5) The required fee set forth in Section 1320.400.
- c) The applicant may be required to appear before the Board:
- 1) To clarify or explain information contained on the submitted documentation; or
- 2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State pursuant to Section 15.1 of the Act.

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

## SUBPART D: GENERAL

## Section 1320.400 Fees

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- a) Application fees.
- 1) The fee for application for an original license as an optometrist is \$500. This fee includes the optometry license, diagnostic certification and therapeutic certification.
  - 2) The fee for currently licensed optometrists applying for both diagnostic certification and therapeutic certification is \$50. The fee for currently licensed optometrists applying for a diagnostic certification is \$50. The fee for currently licensed optometrists applying for a therapeutic certification is \$50.
  - 3) The fee for application for an ancillary optometric license is \$50 per location unless waived in accordance with Section 1320.410(e). This fee includes any certifications held by the licensed optometrist.
  - 4) Applicants for any examination shall be required to pay, either to the Department or its designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination.
  - 5) The fee for application for licensure of a person licensed as an optometrist in another jurisdiction is \$500.
  - 6) The fee for a sponsor of continuing education is \$500.
  - 7) The fee for an optometry residency one year license shall be \$100.
- b) Renewal Fees
- 1) The fee for renewal of an optometrist license is \$200 per year. The fee includes renewal of the diagnostic and therapeutic certifications.
  - 2) The fee for renewal of an ancillary optometry license is \$25 per year for each location unless waived in accordance with Section 1320.410(e). This fee includes ancillary diagnostic and therapeutic certifications.
  - 3) The fee for renewal as a sponsor of continuing education is \$250 per year.
- c) General Fees

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- 1) The fee for restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees. For the purposes of restoring from inactive status, the Department shall consider that no renewal fees have lapsed during the period of inactive status.
- 2) The fee for issuance of a duplicate license or certificate or for the issuance of a replacement license for a license which has been lost or destroyed is \$20.
- 3) The fee for the issuance of a license with a change of name or address other than during the renewal period is \$20.
- 4) The fee for the certification of a license for any purpose is \$20.
- 5) The fee for a wall certificate showing licensure is the actual cost of producing the license.
- 6) The fee for a roster of persons licensed under the Act is the actual cost of producing the roster.

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

**Section 1320.410 Ancillary Licenses**

- a) Ancillary license, as used in this Part, shall mean an optometry license that is issued pursuant to Section 7 of the Act to a licensed optometrist who is engaged in the practice of optometry at more than one address. The ancillary license will include diagnostic certification and/or therapeutic certification.
- b) Each ancillary license shall be displayed in accordance with Section 6 of the Act.
- c) An ancillary license shall be issued to a licensed optometrist upon submitting a completed application to the Department, on forms provided by the Department, and the required fee set forth in Section 1320.400(a)(3) of this Part. The application shall include the address of the branch office location for which the license will be issued.
- d) An optometrist shall be required to obtain an ancillary license for each additional location and to display the appropriate ancillary licenses at each location. Licensees may examine one new patient at facilities licensed by the Illinois Department of Public Health or their residence per address per month without an

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ancillary license.

- e) Fees may be waived by the Department for an optometrist applying for an ancillary license to substitute for a licensee who has been called to active military duty. Applicants for such an ancillary license shall include a copy of the orders calling the licensee to active duty in addition to any other requirements.

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

## SECRETARY OF STATE

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- 1) Heading of the Part: The Business Corporation Act of 1983
- 2) Code Citation: 14 Ill. Adm. Code 150
- 3) Section Number:        Proposed Action  
150.440                      Amendment
- 4) Statutory Authority: Implementing and authorized by the Business Corporation Act of 1983 [805 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets forth the definition of distinguishable in the determination of name availability for a corporation.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Robert Durchholz  
Department of Business Services  
Room 328, Howlett Building  
Springfield, Illinois 62756  
217/782-4909

- 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

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- C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which these rulemakings were summarized: July 2003

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE  
SUBTITLE A: REGULATION OF BUSINESS  
CHAPTER I: SECRETARY OF STATE

PART 150  
BUSINESS CORPORATION ACT

SUBPART A: HEARING PROCEDURES

Section

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

SUBPART B: SALE AND RELEASE OF INFORMATION

Section

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

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

Section

- 150.300 Errors or Defects
- 150.305 Financial Data as Support Documentation

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150.310 Invalidity

## SUBPART D: NAMES

## Section

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

## SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

## Section

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

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

## Section

150.600 Payment of Fees, Franchise Tax and License Fee  
150.610 Definitions  
150.620 Annual Report  
150.621 Confidentiality of Annual Report Financial Data

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150.630 Shares Having a Par Value  
150.640 Invalidity

## SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

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

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

SOURCE: Adopted at 9 Ill. Reg. 1433, effective February 1, 1985; amended at 10 Ill. Reg. 5146, effective March 21, 1986; amended at 11 Ill. Reg. 10302, effective June 1, 1987; amended at 17 Ill. Reg. 11571, effective July 15, 1993; amended at 18 Ill. Reg. 7783, effective May 15, 1994; amended at 20 Ill. Reg. 7026, effective May 8, 1996; amended at 21 Ill. Reg. 16173, effective December 1, 1997; amended at 27 Ill. Reg. 550, effective December 27, 2002; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: NAMES

**Section 150.440 Distinguishable – Defined**

A corporate name is distinguishable first, when not substantially the same as a name on record, and second, when containing a significant difference from other names on the record which corporate name distinguishability is plainly recognizable by the Secretary of State or his/her designee by means of sight ~~and~~ sound.

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Limited Liability Company Act
- 2) Code Citation: 14 Ill. Adm. Code 178
- 3) Section Number:      Proposed Action  
178.135                    Amendment
- 4) Statutory Authority: Implementing and authorized by the Limited Liability Company Act [805 ILCS 180].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets forth the definition of distinguishable in the determination of name availability for a limited liability company.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

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

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which these rulemakings were summarized: July 2003

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE  
SUBTITLE A: REGULATION OF BUSINESS  
CHAPTER I: SECRETARY OF STATEPART 178  
LIMITED LIABILITY COMPANY ACT

## SUBPART A: RIGHTS AND REQUIREMENTS

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

## SUBPART B: NAMES

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 178.175      Invalidity  
178.180      Assumed Names  
178.185      Foreign LLC with Prohibited Name Names

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

SOURCE: Adopted at 17 Ill. Reg. 22055, effective January 1, 1994; amended at 20 Ill. Reg. 7050, effective May 8, 1996; amended at 21 Ill. Reg. 16178, effective December 1, 1997; amended at 27 Ill. Reg. 8884, effective May 19, 2003; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: NAMES

**Section 178.135 Distinguishable – Defined**

A limited liability company name is distinguishable first, when not substantially the same as a name on record, and second, when containing a significant difference from other names on the record. A significant difference exists when the limited liability company name distinguishability is plainly recognizable by the Secretary of State or his/her designee by means of sight and~~or~~ sound.

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



## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENT

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.
- 13) Will this amendment replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This amendment will: (1) update incorporations by reference; (2) reference the latest industry codes; and (3) correct minor errors in the title of some of the codes.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels  
Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 524-0770 (voice)  
(217) 782-6133 (TDD)

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

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER c: NUCLEAR FACILITY SAFETYPART 505  
SAFE OPERATION OF NUCLEAR FACILITY BOILERS AND PRESSURE VESSELS

## SUBPART A: GENERAL

Section	
505.10	Scope
505.20	Policy
505.30	Definitions
505.40	Standards Incorporated by Reference
505.50	Exemptions
505.60	Access to Facilities and Documents
505.70	Notification of Failures
505.80	Administrative Review and Hearings – Inspection Certificates
505.82	Administrative Review and Hearings – Authorized Inspection Agency
505.84	Administrative Review and Hearings – Special Permits
505.86	Actions Pending Before the United States Nuclear Regulatory Commission
505.90	Address and Telephone Number for Notifications and Inquiries
505.100	Standards for Design, Construction, Operation and Inspection (general)
505.110	Registration Requirements (general)
505.120	Inspection Certificates (general)
505.130	Operation Requirements (general)
505.140	Inspection Requirements (general)
505.150	Repairs and Alterations (general)
505.160	Code Case Applications (general)
505.170	Use of Alternative Standards for Construction, Inspection and Repair (general)
505.180	Authorized Inspectors (general)
505.190	Authorized Inspection Agencies (general)

## SUBPART B: ISI BOILERS AND PRESSURE VESSELS

Section	
505.1000	Standards for Design, Construction, Operation and Inspection
505.1100	Registration Requirements
505.1200	Inspection Certificates
505.1300	Operation Requirements

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENT

505.1400	Inspection Requirements
505.1500	Repairs
505.1600	Code Case Applications
505.1700	Use of Alternative Standards for Construction, Inspection and Repair
505.1800	Authorized Inspectors
505.1900	Authorized Inspection Agencies

## SUBPART C: NON-ISI BOILERS AND PRESSURE VESSELS

## Section

505.2000	Standards for Design, Construction, Operation and Inspection
505.2100	Registration Requirements
505.2200	Inspection Certificates
505.2300	Operation Requirements
505.2400	Inspection Requirements
505.2500	Repairs and Alterations
505.2600	Code Case Applications
505.2700	Use of Alternative Standards for Construction, Inspection and Repair
505.2800	Authorized Inspectors
505.2900	Authorized Inspection Agencies

**AUTHORITY:** Implementing and authorized by Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(a)(8)], Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2a and 2b], and Section 2005-35 of the Civil Administrative Code of Illinois [20 ILCS 2005/2005-35].

**SOURCE:** Emergency Rule adopted at 17 Ill. Reg. 15667, effective September 10, 1993, for a maximum of 150 days; adopted at 18 Ill. Reg. 2317, effective February 7, 1994; amended at 20 Ill. Reg. 6455, effective April 26, 1996; amended at 23 Ill. Reg. 13089, effective October 6, 1999; recodified to the Illinois Emergency Management Agency by Executive Order #12, effective July 1, 2003; amended at 27 Ill. Reg. 15339, effective September 16, 2003.

## SUBPART A: GENERAL

**Section 505.40 Standards Incorporated by Reference**

The Department hereby adopts and incorporates by reference the following codes and standards.

- a) In accordance with the authority granted under Section 2a of the Act, the Department adopts the Boiler and Pressure Vessel Code of the American Society

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENT

of Mechanical Engineers with addenda thereto made. Those Sections of the ASME Code listed in this Section are incorporated into and constitute a part of the whole rules and regulations of the Department.

- 1) ASME Boiler and Pressure Vessel Code, 1952 Edition including all addenda editions through the ASME Boiler and Pressure Vessel Code, ~~2001~~1998 Edition with 2002 Addenda, for the following:

AGENCY NOTE: The edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component can be traced using the date of construction of the component in light of Sections 505.170, 505.1000 and 505.2000 of this Part. For more information see Sections 505.170, 505.1000 and 505.2000 of this Part.

- A) Section I, Rules for Construction of Power Boilers;
- B) Section II, Material Specifications
  - Part A – Ferrous
  - Part B – Nonferrous
  - Part C – Welding Rods, Electrodes and Filler Metals
  - Part D – Properties;
- C) Section III, Rules for Construction of Nuclear Power Plant Components, Division 2 - Concrete Reactor Vessels and Containments;
- D) Section IV, Rules for Construction of Heating Boilers;
- E) Section V, Nondestructive Examination;
- F) Section VI, Recommended Rules for the Care and Operation of Heating Boilers;
- G) Section VII, Recommended Guidelines for the Care of Power Boilers;

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENT

- H) Section VIII, Rules for Construction of Pressure Vessels
- Division 1,
- Division 2 – Alternative Rules,
- Division 3 – Alternative Rules for Construction of High Pressure Vessels;
- I) Section IX, Welding and Brazing Qualifications; and
- J) Section X, Fiber~~glass~~-Reinforced Plastic Pressure Vessels.
- 2) ASME Boiler and Pressure Vessel Code, editions and addenda referenced in Title 10 of the Code of Federal Regulations (CFR) Part 50, Section 50.55a (10 CFR 50.55a), revised as of ~~February 11, 2003-January 1, 1998~~, including all limitations and modifications contained therein, for the following:
- A) Section III, Rules for Construction of Nuclear Power Plant Components, Division 1 – Nuclear Power Plant Components; and
- B) Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components, Division 1 – Rules for Inspection and Testing of Light-Water Cooled Plants.

AGENCY NOTE: The Department will review programs at specific plants on the basis of the edition and addenda of Sections III and XI approved by the NRC for the specific plant.

- b) The Department adopts the National Board Inspection Code, ~~2001 1995~~ edition with addenda through ~~2002~~1997, published by the National Board, except that "jurisdiction" shall be read as "Department".
- c) The Department adopts the following nationally recognized standards and their addenda:
- 1) ASME CSD, ~~2002 edition-1a, 1993~~, Controls and Safety Devices for Automatically Fired Boilers; and

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENT

- 2) ~~NFPA 85, 2001 edition, Boiler and Combustion Systems Hazards Code. 8501-92, Single Burner Boilers—Furnaces;~~
  - 3) ~~NFPA 85-C, 1991, Multiple Burner Boilers—Furnaces; and~~
  - 4) ~~NFPA 85-F, 1988, Pulverized Fuel Systems.~~
- d) The Department adopts ANSI/ASME N626, Qualification and Duties of Authorized Nuclear Inspection Agencies and Personnel, 1974 Edition including all addenda and editions through the N626b-1992 addendum. The Department also adopts the successor standard to this standard, ASME QAI-1, Qualification for Authorized Inspection, 1995 edition.

AGENCY NOTE: The edition and addenda of ANSI/ASME N626 or QAI-1 applicable to the qualifications of the authorized nuclear inspection agency and its personnel can be traced using the edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component.

- e) For documents included in subsections (a) through (d) of this Section, the Department is incorporating only those editions and addenda indicated. The Department is not incorporating any subsequent edition or addendum to these documents. All documents are available for public review at the Department offices, 1035 Outer Park Drive, Springfield, Illinois.

AGENCY NOTE: This Section is applicable to the following nuclear power plants: Braidwood Station, Units 1 & 2; Byron Station, Units 1 & 2; Clinton Station, Unit 1; Dresden Station, Units 1, 2 & 3; LaSalle County Station, Units 1 & 2; Quad Cities Station, Units 1 & 2; and Zion Station, Units 1 & 2.

(Source: Amended at 27 Ill. Reg. 15339, effective September 16, 2003)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULE

- 1) Heading of the Part: Petroleum Equipment Contractor Licensing
- 2) Code Citation: 41 Ill. Adm. Code 172
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
172.10	New Section
172.20	New Section
172.30	New Section
172.40	New Section
172.50	New Section
172.60	New Section
172.70	New Section
172.80	New Section
172.90	New Section
172.100	New Section
172.110	New Section
172.120	New Section
172.130	New Section
172.140	New Section
172.150	New Section
172.160	New Section
172.Appendix A	New Section
- 4) Statutory Authority: Authorized and Implemented by Section 25 of the Petroleum Equipment Contractors Licensing Act [225 ILCS 729/25].
- 5) Effective Date of Rule: September 16, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. The incorporations are located as follows: 170.20(b), 170.60(b) and Appendix A. A copy of the incorporated material is available for inspection at our office at 1035 Stevenson Dr., Springfield, Illinois, 62703-4259, except 29 CFR 1910.120 which can be located on google.com.
- 8) Date filed in agency's principal office and available for public inspection: September 16, 2003
- 9) Date Notice of proposed Rule was published in the Illinois Register: July 7, 2003, 27 Ill. Reg. 9740

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULE

10) Has JCAR issued a Statement of Objection to this rule? No

11) Differences between proposal and final version:

In the Table of Contents, in the title for “172.70”, after “Fees” added “and Penalties”.

In 172.20 (b), changed “After September 15, 2003, all” to “All” and changed “for the work” to “for that work”.

In 172.20 (e)(1), changed “a contractors” to “each contractor’s”.

In the Section title for 172.70, after “Fees,” added “and Penalties”.

In 172.70 (d), added:

“Penalty for returned check:

Type of Offense:

Amount:

Insufficient funds (2 or more occasions)	Amount owing on check or other order plus \$50
--	--

Practicing pending receipt of honored check \$100”.

In 172.70 (d), changed “d” to “e” and changed “the” to “this”.

In 172.90 (a), after “the licensee”, added “, the module for which the applicant is being licensed,”.

In 172.90 (b), changed “her license” to “her licenses” and changed “reinstatement” to “restoration”.

In 172.90 (d), changed “issue a license” to “issue licenses” and changed “requires a complete new license” to “requires complete new licenses”.

In 172.100 (c), changed “Notification” to “Licensees shall submit notification”.

In 172.130 (b) changed “may” to “shall recommend that the State Fire Marshal” and changed “decision” to “recommendation”.

## OFFICE OF THE STATE FIRE MARSHAL

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and Purpose of Rule: To implement 225 ILCS 729/1 et seq., which regulates the licensure of petroleum equipment contractors and to take enforcement action against those contractors who violate the Act.
- 16) Information and questions regarding this rule shall be directed to:

Shelly Bradley, Asst. Director  
Division of Petroleum and Chemical Safety  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield, IL 62703-4259  
(217) 785-7812

The full ~~testtext~~ of the adopted rule begins on the next page:

## OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULE  
TITLE 41: FIRE PROTECTION

## CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 172  
PETROLEUM EQUIPMENT CONTRACTOR LICENSING

Section	
172.10	Purpose
172.20	Three Year Phase-In
172.30	Definitions
172.40	Licensure Requirements
172.50	Licensed Contractor's Employee Certifications
172.60	Possession of OSHA Identification Cards
172.70	Fees and Penalties
172.80	Licensure of Out-of-State Contractors
172.90	Issuance of License; Renewal; Restoration; Replacement
172.100	Reports
172.110	Disciplinary Actions Related to Contractor Notice of Violations (CNOV)
172.120	Contractor Notice of Violation Citations and Penalty Process
172.130	Review Panel
172.140	Appeal of Panel Decisions
172.150	Status of Contractor During Appeal of Panel Decision
172.160	Formal Charges; Hearing
172.APPENDIX A	Contractor Violations

AUTHORITY: Implementing the Petroleum Equipment Contractors Licensing Act [225 ILCS 729].

SOURCE: Adopted at 27 Ill. Reg. 15346, effective September 16, 2003.

**Section 172.10 Purpose**

The Illinois Petroleum Equipment Contractors Licensing Act (PECLA) [225 ILCS 729] is designed to insure the quality of petroleum or hazardous substance Underground Storage Tank (UST) work in Illinois meets the highest standards. Meeting those standards will assure the owners/operators of USTs and the citizens of Illinois that the environment, citizen safety and the owner's/operator's businesses are getting the best service and protection possible.

**Section 172.20 Three Year Phase-In**

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULE

- a) **PECLA Phase-In**

The rules implementing PECLA will be adopted over a 3-year period. This initial adoption establishes licensure requirements, sets fees for licensure, requires certified employees to possess required identification cards, and outlines disciplinary procedures that will be taken against UST contractors that violate this Part or 41 Ill. Adm. Code 170 (Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances). Future additions to this Part will establish training and testing requirements for licensees and will govern the providers of that training and testing.
- b) **Licensure**

All contractors performing UST work in Illinois must hold a PECLA license for each module in which work is performed and will be required to meet the standards for that work module established by 41 Ill. Adm. Code 170 and the requirements of 29 CFR 1910.120 (2002, no later amendments or editions included). The OSHA requirements are available from United States Department of Labor, OSHA, 230 South Dearborn Street, Room 3244, Chicago IL, (312)353-2220.
- c) **New Standards for UST Work Activity**

By calendar year 2006, the OSFM plans to develop and adopt as rule Illinois specific standards for contractors performing UST activities. Until this adoption, the standards referenced in subsection (b) are to be followed.
- d) **Licensee Training**
  - 1) **Curriculum.** By calendar year 2005, the OSFM plans to develop, in cooperation with industry representatives, and adopt rules establishing an Illinois specific curriculum for the training of UST contractors. The curriculum will insure that owners/operators and citizens of Illinois receive the safest and best UST installation, testing and maintenance possible.
  - 2) **Training Providers**

OSFM will be developing and adding to this Part standards for approving organizations and/or individuals to provide instruction to licensees in accordance with the curriculum described in this subsection (d).
- e) **Testing**

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULE

- 1) Starting in 2006, all UST contractors will be required to pass tests indicating adequate knowledge of the Illinois UST activity standards in order to receive or renew each contractor's license.
- 2) Testing Providers

OSFM will be developing and adding to this Part standards for approving organizations and/or individuals to test prospective licensees. Test fees will be established by OSFM.

**Section 172.30 Definitions**

“Certified employee” is an individual who performs UST activity for a licensed UST contractor and has successfully completed OSFM prescribed exams for the module in which the employee is conducting UST activity.

“Contractor” is a licensed person, excluding employees, who performs any UST activity.

“Contractor Notice of Violation” (CNOV) is a formal notice to a petroleum equipment contractor notifying the contractor of specific violations of the UST rules (41 Ill. Adm. Code 170).

“DPCS” means Division of Petroleum and Chemical Safety of the Office of the State Fire Marshal.

“Employee” is a licensee or person who is currently employed by a contractor licensed in accordance with this Part.

“Industry member” is a petroleum equipment contractor licensed in at least 2 UST modules.

"License restoration" is the process of an individual renewing a license after having let it expire.

“Managerial or administrative control” means having authority to conduct the affairs of the organization and direct others in the conduct of the affairs or business of the organization.

“Module” includes the following types of activity:

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Installation of USTs;

Repair of USTs, which shall include retrofitting and installation of cathodic protection systems;

Decommissioning of USTs, including abandonment-in-place;

Relining of USTs;

Tank and piping tightness testing;

Testing of cathodic protection systems; and

Any other category established by the Office of the State Fire Marshal.

“Office” or "OFSM" means the Office of the State Fire Marshal.

“Officer” means:

If the organization is a sole proprietorship, the owner of the organization or any person exercising managerial control.

If the organization is a partnership, any partner who has at least 10% ownership interest or any partner who exercises managerial control.

If the organization is a corporation, any officer or director of the corporation or any person who has at least 10% ownership interest in such corporation or who exercises managerial control.

“Organization” means a business or other entity, including, but not limited to, a sole proprietorship, partnership, corporation or association and includes units of local government, the State of Illinois and the Federal Government.

“OMI” or “Operational Maintenance Inspection” means an inspection performed by a Storage Tank Safety Specialist (STSS) to establish a facility’s regulatory compliance.

“OSHA” means the federal Occupational Safety and Health Administration.

“OSI” or “Operational Safety Inspection” means an inspection of removal, abandonment-in-place or any tank entry activity requiring an STSS on site.

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“PAI” or “Performance Assurance Inspection” means an inspection of UST installation, upgrades, tank tightness testing or cathodic protection activity, where an STSS is scheduled by Date and/or Time Certain job schedules.

“PECLA” means Petroleum Equipment Contractor Licensing Act [225 ILCS 729].

“Penalty process” means CNOVs can result in formal penalties ranging from written warning to financial penalty and license suspension to license revocation.

"Permit" or "permitting" refers to the requirements for, and the process of obtaining, permits required by 41 Ill. Adm. Code 170.541.

“Person” is a natural person or any company, corporation or other business entity.

“Petroleum equipment contractor” is a person, company or corporation that installs, repairs, tests or removes petroleum or hazardous substance USTs.

“Review Panel” (RP) is part of an appeal process for contractors contesting their CNOVs. The RP is appointed by the State Fire Marshal and contains the following 6 members:

3 members of the staff of DPCS.

3 members who have been active as petroleum equipment contractors for a minimum of 2 years and are personally certified in at least 2 modules.

“State Fire Marshal” means the State Fire Marshal of the State of Illinois.

“Storage Tank Safety Specialist” (STSS) is a member of the DPCS staff assigned to perform field work involving Certification Audits of UST facilities in Illinois, PAI, OSI, OMI.

“UST” means underground storage tank system.

“UST activity” means a UST:

Installation – including retrofitting and cathodic protection installation;

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## NOTICE OF ADOPTED RULE

Repair – including upgrade, which includes retrofitting and cathodic protection installation;

Removal – decommissioning, which includes abandonment-in-place;

Lining (interior lining) – including initial lining, lining inspection, subsequent lining, repair of lining and lining touch ups;

Tank tightness testing;

Cathodic protection testing; or

Installation of manways and any tank entry.

**Section 172.40 Licensure Requirements**

- a) After September 15, 2003, no person shall engage in any UST activity without first applying for and obtaining a license from the Office of the State Fire Marshal. Licensure is for a 2-year period. Applicants for a license to become a UST contractor must comply with the Petroleum Equipment Contractors Licensing Act [225 ILCS 729] as evidenced by the licensure submissions required by this Section.
- b) Licensure application shall be made to the OSFM's Division of Petroleum and Chemical Safety (DPCS) on forms provided by DPCS and shall include the following submissions:
  - 1) If seeking a license as a UST contractor:
    - A) the State license application and licensing fee required by Section 172.70;
    - B) a list of the contractor's certified employees, on the OSFM prescribed form, stating any UST module in which the employee is certified. The contractor shall sign a notarized affidavit that a copy of this Part and 41 Ill. Adm. Code 170 (the OSFM rules implementing the Gasoline Storage Act [430 ILCS 15]) have been distributed to all certified individual contractors and certified employees of the contractor. (Contractors are required to be certified, or have an employee certified, for each UST module for which they are applying to be licensed.);

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULE

- C) an original annual certificate of general liability insurance in a minimum of \$1,000,000, with the OSFM as certified holder;
  - D) evidence of a passing score on the required OSFM approved exam for the module for which licensure is being sought. The evidence must be an original certification that includes a photo of the individual taking the exam, supplied by the exam provider;
  - E) proof of successful completion of initial 40-hour OSHA training and subsequent 8-hour refresher course;
- 2) If seeking a license as a tank or line tightness tester, the individual must additionally designate the testing methods for which a license is sought and provide proof that he/she, or any certified employee conducting testing, is certified by the manufacturer of the testing equipment. Such proof shall be submitted at the time of license renewal and shall reflect certification for the license period and the equipment being used, or that the applicant has passed an OSFM approved exam; and
  - 3) If seeking a license as an internal tank liner, the applicant additionally shall provide proof that the applicant, or any certified employee conducting lining activity, is approved by the manufacturer of the lining material as qualified and trained in the application of the material and has adequate equipment to perform the interior lining safely. The applicant must also possess licensure in the decommissioning module. Such proof shall be submitted at the time of license renewal and reflect certification for the license period and the equipment being used.

**Section 172.50 Licensed Contractor's Employee Certifications**

- a) A certified employee is an individual who performs a UST activity for a licensed UST contractor and has successfully completed OSFM prescribed exams for the module in which the employee is conducting the UST activity.
- b) A contractor shall have at least one employee certified for the permitted UST activity, unless the contractor itself is an individual contractor who is so certified.
- c) A contractor shall have at least one employee certified in the UST activity for which the permit was issued actively supervising the UST activity being performed on the job site, unless the contractor itself is an individual who is so

## OFFICE OF THE STATE FIRE MARSHAL

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certified and supervises the work. At all times during UST operations, there shall be a certified employee or certified individual contractor on the job site; subcontractors are not employees.

- d) Certified employees of licensed contractors shall possess a wallet card verifying successful passage of OSFM approved exams. The wallet card must be carried by the certified employee on UST job sites at all times and shall be available upon request by any OSFM representative.
- e) Electricians must be hired and supervised by a licensed petroleum equipment contractor for all permitted UST activity requiring electrical work.
- f) Licensed contractors and any of their employees performing a UST activity shall possess OSHA Identification Cards, described in Section 172.60, on UST job sites at all times that shall be made available upon request by any OSFM representative.
- g) Licensed contractors in all UST activity modules are required to follow the scheduling requirements for date certain and/or time certain schedules established by DPCS. For cathodic protection testing and tightness testing (tank and line), 24-hour advance notice shall be provided by the contractor via fax or other approved methods. Emergency testing shall be reported to the OSFM within 24 hours by fax or other approved method.
- h) UST activities may be shut down by any OSFM representative if individual contractors or their employees are not in compliance with subsections (a) through (g) of this Section. Such work shall not resume until approval is granted by the OSFM.

**Section 172.60 Possession of OSHA Identification Cards**

- a) Licensed contractors, their certified employees and non-certified workers working in a UST activity, and subcontract excavation operators (involved in UST related operations) shall possess, on UST jobsites at all times, 40-hour General Site Worker Program Identification Cards and any valid Refresher Cards that comply with OSHA standards. Cards shall be produced upon request by any OSFM representative. The card requirement is applicable only to UST installations, repairs, lining, removals, abandonments-in-place and physical interior inspections.

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- b) Electricians, truck drivers, concrete masons, canopy erectors or crane operators working in activities that involve their area of specialty only are not required to have the Site Worker Program Identification Card but must comply with the standards established by the OSHA General Site Worker Program (29 CFR 1910.120, incorporated by reference in 172.20).
- c) When permitted UST activity is being conducted, compliance with the OSHA standards will be accomplished by direct (line of sight) supervision by the permit holding licensed contractor or the contractor's certified employee for those people entering the work area.
- d) UST activities may be shut down by any OSFM representative, if individual contractors or their employees are not in compliance with this Section. Such work shall not resume until approval is granted by the OSFM.

**Section 172.70 Fees and Penalties**

- a) All new fees established under this Part shall become effective for individual contractors already certified and registered in Illinois on the next anniversary of that certification/registration following the adoption of this Part.
- b) All fees are payable within 30 days after the date on the invoice requesting payment of the fee. The payment is to be by check or money order payable to the Office of the State Fire Marshal. All licensure fees will be deposited in the Fire Prevention Fund.
- c) Fee schedule:
 

Type of Fee:	Fee:
Biennial licensing	\$1000 per UST module
UST activity permit	\$200 each
License restoration	\$50 plus \$1000 per module
Multiple location license	\$50 each location
Duplicate copy of lost license	\$50
Change of name	\$100
- d) Penalty for returned check:

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Type of Offense:	Amount:
Insufficient funds (2 or more occasions)	Amount owing on check or other order plus \$50
Practicing pending receipt of honored check	\$100

- e) All fees paid pursuant to this Part are non-refundable.

**Section 172.80 Licensure of Out-of-State Contractors**

Any out-of-state contractor wishing to perform work on USTs in Illinois must follow this Part and 41 Ill. Adm. Code 170. Any out-of-state contractor not currently licensed in Illinois at the time of the adoption of this Part shall, as a condition of licensure, conduct 3 jobs in the module for which the contractor is seeking licensure with a currently licensed Illinois contractor.

**Section 172.90 Issuance of License; Renewal; Restoration; Replacement**

- a) The State Fire Marshal shall, upon the applicant's satisfactory completion of the requirements of this Part, and upon receipt of the fees required by Section 172.70, issue the appropriate license showing the name and business location of the licensee, the module for which the applicant is being licensed, and the date of issuance and of expiration. Each licensee shall prominently display his or her license at each place from which the UST activity is being performed.
- b) Each licensee may apply for biennial renewal of his or her licenses upon payment of the fee set forth in Section 172.70. The expiration date and renewal period for each license issued shall be in accordance with Section 172.70. Renewal and restoration fees shall be waived for persons who did not renew while on active duty in the military and who file for renewal or restoration within one year after discharge from the service. An expired license may not be restored except upon passing an examination to determine fitness to have the license restored and by paying the restoration fee specified in Section 172.70.
- c) All licenses will be issued for a two-year period. The OSFM shall notify license holders in writing 2 months in advance of their license expiration date. However, failure of a licensee to receive advance notification from OSFM does not relieve the licensee from responsibility for timely license renewal.
- d) If a license or certificate is lost, a duplicate shall be issued upon payment of the fee required by Section 172.70. If a licensee wishes to change his name, the State Fire Marshal shall issue licenses in the new name, upon satisfactory proof that the

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change of name was done in accordance with law and upon payment of the fee established in Section 172.70. Any change in ownership requires complete new licenses.

**Section 172.100 Reports**

- a) As a condition of renewal of a license, the State Fire Marshal may require the licensee to report information pertaining to his or her practice (e.g., history of CNOVs in last 2 years, verification of work with firms, income tax records, history of OSHA violations, etc.) that the OSFM determines to be in the interest of public safety.
- b) A licensee shall report a change in home or office address and UST employee status within 10 days after the change.
- c) Licensees shall submit notification on a form prescribed by the OSFM of:
  - 1) Termination of employment of a certified employee;
  - 2) Re-certification to perform a UST module by an employee; or
  - 3) Certification to perform a UST module by an employee not previously certified or not previously certified to perform that module.

These notifications shall be submitted to the OSFM within 30 days after the occurrence.

**Section 172.110 Disciplinary Actions Related to Contractor Notice of Violations (CNOV)**

- a) Disciplinary actions result from the issuance of a CNOV. The CNOV is issued by an STSS and copies are provided in the field to the contractor and forwarded to DPCS. DPCS will review the CNOV for completeness before penalty review and the contractor receiving the CNOV will be notified within 15 days, if the CNOV is moving forward for penalty assessment.
- b) CNOVs fall into one of 3 penalty categories:
  - 1) Administrative violations are minor when taken individually, but have a major impact when recurring within 2 years.

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- 2) Quality control violations have significant potential impact on the environment and/or public safety.
  - 3) Safety violations are of such a grave nature as to result in the immediate suspension of contractor activity in the module within which the contractor received the CNOV.
- c) Revocation or suspension of licenses will apply only to the modules for which the CNOV was written.

**Section 172.120 Contractor Notice of Violation Citations and Penalty Process**

Listed in Appendix A are areas where a contractor could receive a Contractor Notice of Violation (CNOV). The identification of an area as Group A, B or C corresponds to the nature of the violation, e.g., Administrative, Quality Control or Safety. In addition to the violations identified in Appendix A, a contractor can receive a CNOV for any action that, in the opinion of the OSFM, poses imminent danger to the environment or the health and safety of citizens of Illinois. Penalties will be applied to CNOVs based on the following criteria:

- a) All CNOV's will remain in the contractor's file. The penalty process will be based on active CNOVs. Active CNOVs for purposes of the penalty process will be those that occurred in the 24 months prior to the date of CNOV issuance. No active CNOV can be issued prior to the adoption of this Part.
- b) Penalty assessment for CNOVs will be calculated utilizing the following method:
  - 1) Contractors may receive 3 CNOVs with Group A violations that occurred in the 24 months prior to the date of CNOV issuance. Upon receipt of the fourth and any subsequent Group A violations, the fine shall be as follows:

Fourth Violation:	\$1000
Fifth Violation:	\$2000
Sixth Violation:	\$3000
Seventh Violation:	\$4000 and a 30-day license suspension in all modules where the violations occurred.

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Eighth Violation: \$8000 and the contractor's license in the modules where the violations took place will be reviewed for possible suspension or revocation.

- 2) Contractors may receive 2 Group B violations that occurred in the 24 months prior to the date of CNOV issuance. Upon receipt of the third and subsequent Group B violations, the fine shall be as follows:

Third Violation: \$1500

Fourth Violation: \$3000

Fifth Violation: \$4500

Sixth Violation: \$6000 and a 60-day suspension in all modules where the violations occurred.

Seventh Violation: \$10,000 and the contractor's license in the modules where the violations took place will be reviewed for possible suspension or revocation.

- 3) Any CNOV issued for a Group C violation will result in the immediate application of the following penalty structure:

First Violation with no property damage or no personal injury: \$1500

First Violation with property damage but no personal injury: \$3000 and a 30-day license suspension in the module where the violation occurred.

First Violation with personal injury: \$5000 and a 60-day license suspension in the module where the violation occurred.

Second Group C violation: all penalties double and the contractor's license in the modules where the violations took place will be reviewed for possible suspension or revocation.

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- c) Fines are limited to a maximum of \$10,000 per offense and suspension or revocation of licensure.
- d) Contractors receiving a CNOV will be notified of the pending fine and any suspension or revocation and will have 15 calendar days from receipt of the notice to appeal the penalty to the Review Panel (RP) at its next quarterly meeting or to pay the fine and be subject to any suspension or revocation. Payment of fines should be submitted to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, 1035 Stevenson Drive, Springfield IL 62703-4259.

**Section 172.130 Review Panel**

- a) The members of the RP shall serve staggered 2-year terms and be eligible for reappointment. Any time an RP member is involved or has a conflict of interest in an appeal, he or she shall recuse himself/herself from the hearing. The Chairperson shall be a member of the OSFM staff appointed by the Fire Marshal. All public members of the panel serve with no expenditures of State funds.
- b) The RP will meet at least quarterly to conduct hearings on the appeal of penalties levied against contractors issued CNOVs. Contractors shall be allowed to attend the hearing of their appeal and submit evidence. After hearing the appeal, the RP shall recommend that the State Fire Marshal raise, lower, confirm or vacate the penalty determination. In the event of a tie vote in the deliberations of the RP, the State Fire Marshal shall cast the tie-breaking vote. The RP shall issue its recommendation in writing within 15 calendar days after the hearing.

**Section 172.140 Appeal of Panel Decisions**

Any contractor wishing to appeal a penalty assessed in the CNOV penalty process described in Sections 172.110, 172.120 and 172.130 shall do so in writing by certified mail to the Illinois State Fire Marshal, 1035 Stevenson Drive, Springfield IL 62703-4259, within 15 calendar days after receipt of the penalty notice.

**Section 172.150 Status of Contractor During Appeal of Panel Decision**

During the time a decision of the RP is under appeal, the licensed contractor may continue to work in Illinois unless, in the opinion of the OSFM, continued work by this contractor poses a significant threat to the environment or the health and safety of citizens of Illinois.

**Section 172.160 Formal Charges; Hearing**

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- a) If a contractor wishes to appeal the CNOV through the formal administrative hearing procedure of the State Fire Marshal, a written appeal must be filed in writing by certified mail to the Illinois State Fire Marshal, 1035 Stevenson Drive, Springfield IL 62703-4259, within 15 calendar days after receipt of the penalty notice.
- b) Each licensee whose conduct is the subject of a formal charge that seeks to impose disciplinary action against the licensee shall be served notice of the formal charge at least 30 calendar days before the date of the hearing. The hearing shall be presided over by a hearing officer authorized by the State Fire Marshal in compliance with the Illinois Administrative Procedure Act. Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known address as listed with the OSFM.
- c) The notice of a formal charge shall consist, at a minimum, of the following information:
  - 1) The time, place, and date of the hearing.
  - 2) A statement that the licensee shall appear personally at the hearing and may be represented by counsel.
  - 3) A statement that the licensee has the right to produce witnesses and evidence in his or her behalf and the right to cross-examine witnesses and object to evidence produced against him or her.
  - 4) A statement that the hearing can result in disciplinary action being taken against his or her license.
  - 5) A statement of where the individual can procure the rules for the conduct of these hearings.
  - 6) A statement that the hearing officer authorized by the State Fire Marshal will preside at the hearing and, following the conclusion of the hearing, shall make findings of fact, conclusions of law and recommendations, separately stated, to the State Fire Marshal as to what disciplinary action, if any, should be imposed on the licensee.
  - 7) The State Fire Marshal may continue the hearing.

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- d) The hearing officer shall conduct the hearing. After the conclusion of a hearing, the hearing officer shall make findings of fact, conclusions of law and recommendations, separately stated, and submit them to the State Fire Marshal and to all parties to the proceeding. Submission to the licensee shall be considered as having been made, if accomplished in a similar fashion as service of the notice of formal charges (see subsection (c)).
- e) The State Fire Marshal shall review the hearing officer's findings of fact, conclusions of law and recommendations. The report of findings of fact, conclusions of law and recommendations of the hearing officer shall be the basis for the State Fire Marshal's order, in which the State Fire Marshal may accept or reject the recommendations of the hearing officer.
- f) *If the State Fire Marshal finds that substantial justice was not done, he or she may issue an order in contravention to the findings of fact, conclusions of law, and recommendations of the hearing officer. The finding is not admissible in evidence against the person in a criminal prosecution brought for violation of this Part. [225 ILCS 729/75(e)]*

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**Section 172.APPENDIX A Contractor Violations**

Listed in this Appendix are areas where a contractor could receive a Contractor Notice of Violation (CNOV). The identification of an area as Group A, B or C corresponds to the nature of the violation, e.g., administrative, quality control or safety. In addition to the violations identified in this Appendix, a contractor can receive a CNOV for any action that, in the opinion of the OSFM, poses imminent danger to the environment or the health and safety of citizens of Illinois.

## a) Group A Violations

- 1) Violations Related to Design, Construction, Installation or Upgrade
  - A) Contractor failed to conduct on-site inspection to insure accuracy of site plans; didn't include sewers, places of assembly next door, school day care center, nursing home, basement, etc., within distance requirements. (See 41 Ill. Adm. Code 170.420(c)(5).)
  - B) Contractor failed to have completed notification form. (See 41 Ill. Adm. Code 170.420(c)(16).)
  - C) Contractor failed to complete contractor section of notification form. (See 41 Ill. Adm. Code 170.420(d).)
  - D) Contractor failed to have an employee certified in the UST module in which work is being performed, on the job site, supervising non-certified employees and subcontractors. (See Section 172.50(c).)
  - E) Contractor failed to make sure the certified employee possessed a valid wallet card verifying successful passage of OSFM approved exams. (See Section 172.50(d).)
  - F) Certified employee failed to carry the valid wallet card on the UST job site at all times or failed to have it available to present to the OSFM representative upon request. (See Section 172.50(d).)
  - G) Contractor and any of its employees failed to possess a valid OSHA Identification Card as described in Section 172.60. (See 41 Ill. Adm. Code 172.50(f).)
  - H) Contractors, their certified employees, non-certified employees and subcontracted excavation operators all working in UST related

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operations failed to possess a valid 40-hour General Site Worker Program Identification Card or any valid Refresher Card on the UST job site at all times or failed to have it available to present to the OSFM representative upon request. (See Section 172.60(a).)

- I) Contractor failed to provide OSFM with written proof of re-certification for a used tank. (See 41 Ill. Adm. Code 170.420(a)(6).)
  - J) Work began before securing proper permits. (See 41 Ill. Adm. Code 170.420(c)(4).)
  - K) Work began before receiving stamped acknowledgement from OSFM. (See 41 Ill. Adm. Code 170.420(c)(4).)
  - L) Work began before submission of job work schedule. (See 41 Ill. Adm. Code 170.420(c)(4).)
  - M) Work began before work start date on job work schedule. (See 41 Ill. Adm. Code 170.420(c)(4).)
  - N) Contractor failed to be ready for date certain/time certain activity of final inspection. (See 41 Ill. Adm. Code 170.420(c)(16) and (c)(19)(C).)
  - O) Contractor failed to have rust resisting di-electric coating repaired before installation. (See 41 Ill. Adm. Code 170.420(a)(2).)
  - P) Contractor failed to meet time certain/date certain activity deadline. (See 41 Ill. Adm. Code 170.420(c)(19)(C).)
- 2) Violations Related to Vents and Piping
- A) Contractor failed to submit pipe construction and corrosion protection that is different from fiberglass or cathodically protected steel to OSFM for written approval. (See 41 Ill. Adm. Code 170.421(d)(2)(E).)
  - B) Contractor failed to have written approval from OSFM available at job site. (See 41 Ill. Adm. Code 170.421(d)(2)(E).)

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- 3) Violations Related to Interior Lining
  - A) Contractor failed to have a complete set of OSFM reporting forms on site before entering process began. (See 41 Ill. Adm. Code 170.430(b)(3).)
  - B) Testing contractor failed to submit the test results within 10 days after a passed inspection. (See 41 Ill. Adm. Code 170.430(b)(6).)
  - C) Contractor failed to submit documentation of all inspection data within 10 days after a passed inspection. (See 41 Ill. Adm. Code 170.430(b)(7).)
  - D) Contractor failed to submit documentation within 10 days after repairs to the coating. (See 41 Ill. Adm. Code 170.430(b)(7).)
  - E) Contractor failed to have all testing equipment on site and functional before opening the tank. (See 41 Ill. Adm. Code 170.430(b)(3).)
- 4) Violations Related to Cathodic Protection
  - A) Contractor failed to submit a job work schedule before starting work. (See 41 Ill. Adm. Code 170.460(e)(1).)
  - B) Contractor failed to submit accurate drawings/plans because he failed to conduct an on-site inspection before applying for permit. (See 41 Ill. Adm. Code 170.460(e)(2).)
  - C) Field-designed cathodic protection system installed by contractor was not designed by a corrosion expert recognized by OSFM. (See 41 Ill. Adm. Code 170.420(a)(2)(B).)
- 5) Violations Related to Obtaining Permits
  - A) Contractor did not schedule a date and time certain final inspection. (See 41 Ill. Adm. Code 170.541(h)(3)(D).)
  - B) Contractor did not have a representative at the final inspection that was knowledgeable and had ability to work the equipment being inspected. (See 41 Ill. Adm. Code 170.541(h)(3)(D).)

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- C) Replacement of any of the equipment described in section 170.541 (h)(1) was not reported in writing to the OSFM on an OSFM form within 24 hours. (See 41 Ill. Adm. Code 170.541(h)(4).)
  - D) Contractor did not notify the OSFM within 8 working hours that an original 0.1 GPM electronic line leak detector had been replaced after a temporary mechanical line leak detector had been substituted. (See 41 Ill. Adm. Code 170.541(h)(5).)
- 6) Violations Related to the Tester of UST Equipment
- A) The testing contractor did not submit test results to the OSFM on forms prescribed by the OSFM. (See 41 Ill. Adm. Code 170.544(b)(4).)
  - B) Contractor did not have a representative at the final inspection that was knowledgeable and had ability to work the equipment being inspected. (See 41 Ill. Adm. Code 170.541(h)(3)(D).)
  - C) The testing contractor failed to issue a copy of passing test results to the facility and owner. (See 41 Ill. Adm. Code 170.544(b)(1).)
  - D) The contractor failed to replace an original 0.1 GPM electronic line leak detector after 10 working days while substituting with a mechanical line leak detector. (See 41 Ill. Adm. Code 170.541(h)(5).)
- b) Group B Violations
- 1) Violations Related to Design, Construction, Installation or Upgrade
    - A) Contractor replaced a spill basin with one of less than the minimum 5-gallon capacity. (See 41 Ill. Adm. Code 170.420(b)(1)(A).)
    - B) Contractor installed a float vent valve for overflow prevention on a suction system. (See 41 Ill. Adm. Code 170.420(b)(1)(C).)

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- C) Contractor failed to inspect the tanks, pipe or other equipment upon delivery and prior to installation. (See 41 Ill. Adm. Code 170.420(c)(7).)
- D) Contractor failed to properly test tanks before installation. (See 41 Ill. Adm. Code 170.420(c)(10).)
- E) Contractor failed to have pipe trenches wide enough or deep enough or sloped to tanks properly, or to have pipes spaced properly. (See 41 Ill. Adm. Code 170.420(c)(12).)
- F) Contractor failed to have the trenches backfilled with acceptable material. (See 41 Ill. Adm. Code 170.420(c)(12).)
- G) Contractor failed to have electrical equipment installed in accordance with NFPA 70. (See 41 Ill. Adm. Code 170.420(c)(15).)
- H) Contractor failed to have sealant compound installed in all seal-offs. (See 41 Ill. Adm. Code 170.420(c)(15).)
- I) Contractor failed to have junction boxes closed properly. (See 41 Ill. Adm. Code 170.420(c)(15).)
- J) Contractor failed to install acceptable observation wells or the proper number of wells. (See 41 Ill. Adm. Code 170.420(c)(18).)
- K) Contractor failed to install containment under dispensers at the time of new installation. (See 41 Ill. Adm. Code 170.420(c)(19).)
- L) Contractor failed to install containment under dispensers of existing sites when pipe is replaced. (See 41 Ill. Adm. Code 170.420(c)(19).)
- M) Contractor failed to meet the hydrostatic testing requirements on all containment before backfilling. (See 41 Ill. Adm. Code 170.420(c)(19).)
- N) Contractor failed to provide adequate lighting to be able to continue working after sunset. (See 41 Ill. Adm. Code 170.420(c)(21).)

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- 2) Violations Related to Corrosion Protection
  - A) Contractor failed to protect pipe that is in contact with the ground, backfill, or water from corrosion. (See 41 Ill. Adm. Code 170.420(d) and 170.460(d).)
  - B) Contractor failed to di-electrically protect all steel risers, vents and fillpipes in contact with the ground, backfill or water. (See 41 Ill. Adm. Code 170.421(d) and 170.460(d).)
  - C) Contractor installed unacceptable shrink-wrap or boots for cathodic protection in a water environment. (See 41 Ill. Adm. Code 170.460(d).)
  - D) Contractor used less than #10 stranded wire for installation of wiring connected to anodes of an impressed current system. (See 41 Ill. Adm. Code 170.460(e)(4)(A).)
  - E) Contractor failed to install the associated electrical equipment in conformance with NFPA 70. (See 41 Ill. Adm. Code 170.460(e)(4)(A)-(E).)
- 3) Violations Related to Piping, Vents and Pumps
  - A) Contractor failed to install a positive shut-off valve on the product line at the submersible or at the tank for suction systems on new installations or existing installations when pipe is replaced. (See 41 Ill. Adm. Code 170.421(g).)
  - B) Contractor failed to make the shut-off valve accessible to grade. (See 41 Ill. Adm. Code 170.421(g).)
  - C) Contractor failed to have vent lines ready for date certain/time certain test activity. (See 41 Ill. Adm. Code 170.421(h).)
  - D) Contractor failed to conduct a precision line test before the pipe was put back into service. (See 41 Ill. Adm. Code 170.421(k).)
  - E) Contractor manifolded vent pipes underground. (See 41 Ill. Adm. Code 170.424(a).)

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- F) Contractor installed vent pipes in locations not approved on the permit. (See 41 Ill. Adm. Code 170.424(d).)
- G) Contractor attached vents of Class II and Class III products to vents of Class I products (i.e., motor oil and diesel to gasoline). (See 41 Ill. Adm. Code 170.424(e)(1)(C).)
- H) Contractor failed to provide adequate collision protection for vent pipe risers. (See 41 Ill. Adm. Code 170.424(g).)
- I) Contractor failed to secure OSFM approval for remote fill pipes. (See 41 Ill. Adm. Code 170.425(a).)
- J) Contractor failed to color code or label the fill pipes. (See 41 Ill. Adm. Code 170.425(d).)
- K) Contractor failed to install a power source interrupter (emergency cut-off switch) 20-100 feet away from the dispensing area. (See 41 Ill. Adm. Code 170.426(a) and 170.428(g).)
- L) Contractor installed a dispensing device at a marina where there isn't enough room for safe ingress and egress of watercraft. (See 41 Ill. Adm. Code 170.426(j).)
- M) Contractor failed to properly seal openings beneath the dispensing pumps at marinas. (See 41 Ill. Adm. Code 170.426(j).)
- N) Contractor failed to install a hose retracting device for hoses longer than 18 feet. (See 41 Ill. Adm. Code 170.426(n).)
- O) Contractor installed dispenser pumps too close (within 5 feet) of the building. (See 41 Ill. Adm. Code 170.426(o).)
- P) Contractor failed to provide adequate collision protection for dispenser pumps. (See 41 Ill. Adm. Code 170.426(o) and 170.428(h).)
- Q) Contractor failed to install a readily accessible shut-off valve for product supply from shore to the pier dispensers. (See 41 Ill. Adm. Code 170.428(e).)

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- R) Contractor failed to install emergency breakaway devices on the dispensing hose. (See 41 Ill. Adm. Code 170.428(j).)
- 4) **Violations Related to Interior Lining**  
Contractor failed to present to the STSS the confined space entry permit for the job, while employee inside tank. (See 41 Ill. Adm. Code 170.430(c)(2).)
- 5) **Violations Related to Obtaining Permits**  
Contractor failed to secure an inspection permit when using an alternate method for inspection. (See 41 Ill. Adm. Code 170.430(b)(9).)
- c) **Group C Violations**
  - 1) **Violations Related to Design, Construction, Installation or Upgrade**
    - A) Contractor did not have equipment heavy enough to lift tank and dropped it. (See 41 Ill. Adm. Code 170.420(a)(3).)
    - B) Contractor excavated too close to existing foundation and caused damage, building shift or building collapse. (See 41 Ill. Adm. Code 170.420(c)(1).)
    - C) Contractor failed to have equipment with sufficient lift. (See 41 Ill. Adm. Code 170.420(c)(6).)
    - D) Contractor failed to provide excavation sloping, benching, stepping, or shoring sides. (See 41 Ill. Adm. Code 170.420(c)(9).)
    - E) Contractor failed to install anchoring or ballasting in water environment and tanks floated. (See 41 Ill. Adm. Code 170.420(c)(11).)
  - 2) **Violations Related to General Requirements for Dispensing**  
Contractor has rigged emergency shut-off valve to remain open at all times. (See 41 Ill. Adm. Code 170.428(k).)
  - 3) **Violations Related to Interior Lining**

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- A) Contractor failed to comply with entry procedures outlined in API 2015 and 2015A. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)
- B) Contractor failed to check oxygen levels inside tank. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)
- C) Contractor failed to have positive pressure air supplied equipment on site and/or functioning. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)
- D) Contractor failed to have a full face enclosure on his employee. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)
- E) Contractor failed to have a safety harness on the employee who enters the tank. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)
- F) Contractor failed to have sufficient numbers of employees to provide an attendant while employee was in the tank. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)
- G) Contractor has failed to require employees to wear clothing that covers the arms, legs, torso, and head of tank entry personnel. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)
- H) Contractor failed to require employee to remove clothing saturated with product upon immediate departure of tank. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)
- I) Contractor failed to familiarize employees with ANSI Z117.1 – Safe Confined Space Entry. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)
- J) Contractor failed to periodically monitor with a CGI and O<sub>2</sub> monitor. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)
- K) Contractor failed to cap or plug all other product lines and openings to ensure no liquid or vapor enters the tank. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)

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- L) Contractor failed to stop work that released flammable vapors while heater was being used to cure the lining material. (See 41 Ill. Adm. Code 170.430(a)(1)(B).)
- M) Contractor failed to attend the heater when in operation. (See 41 Ill. Adm. Code 170.430(a)(1)(B).)
- N) Contractor failed to secure a lining inspection permit in order to complete the 10-year or 5-year internal inspection. (See 41 Ill. Adm. Code 170.430(a)(1)(G).)
- O) Contractor used spark producing welding to repair inside the tank. (See 41 Ill. Adm. Code 170.430(b)(2)(A)(ii).)
- P) Contractor used spark producing cutting device to repair inside the tank. (See 41 Ill. Adm. Code 170.430(b)(2)(A)(ii).)
- Q) Contractor failed to maintain exclusion zone. (See 41 Ill. Adm. Code 170.430(c)(4).)
- R) Contractor caught smoking inside the exclusion zone. (See 41 Ill. Adm. Code 170.430(c)(4).)
- S) Contractor used spark-producing/non-explosion proof equipment inside the exclusion zone. (See 41 Ill. Adm. Code 170.430(c)(4).)
- T) Contractor failed to isolate the product lines. (See 41 Ill. Adm. Code 170.430(c)(5).)
- U) Contractor failed to isolate manifolds. (See 41 Ill. Adm. Code 170.430(c)(5).)
- V) Contractor failed to isolate siphons. (See 41 Ill. Adm. Code 170.430(c)(5).)
- W) Contractor failed to isolate manifolded vent systems. (See 41 Ill. Adm. Code 170.430(c)(5).)
- X) Contractor failed to remove residual liquids from tank with explosion-proof pump. (See 41 Ill. Adm. Code 170.430(c)(6).)

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- Y) Contractor failed to regularly monitor the excavation area with a CGI. (See 41 Ill. Adm. Code 170.430(c)(7).)
- Z) Contractor failed to maintain the levels of 5% LEL (lower explosive limits) or O<sub>2</sub>. (See 41 Ill. Adm. Code 170.430(c)(7).)
- AA) Vapor freeing not done in accordance with API 1631 Section 2.4. (See 41 Ill. Adm. Code 170.430(c)(8).)
- BB) Contractor failed to have all devices bonded to the tank when using compressed air or inert gas under pressure. (See 41 Ill. Adm. Code 170.430(c)(8).)
- CC) Contractor failed to have the tank grounded to a separate ground when vapor freeing. (See 41 Ill. Adm. Code 170.430(c)(8).)
- DD) Contractor failed to have a pressure gauge on the cylinder for inert gas. (See 41 Ill. Adm. Code 170.430(c)(8).)
- EE) Contractor failed to have an operational pressure gauge on the cylinder for inert gas. (See 41 Ill. Adm. Code 170.430(c)(8).)
- FF) Contractor used higher than 5 psi discharge into the tank for vapor freeing. (See 41 Ill. Adm. Code 170.430(c)(8).)
- GG) Contractor did not test grounding and bonding for continuity. (See 41 Ill. Adm. Code 170.430(c)(8).)
- HH) Contractor commenced cutting/opening procedures/cleaning procedures before STSS arrived. (See 41 Ill. Adm. Code 170.430(c)(9).)
- II) Contractor used plastic tile or plywood for manway access to the surface – neither are non-collapsible structures. (See 41 Ill. Adm. Code 170.430(c)(10).)
- JJ) Personal protective equipment was not provided for personnel in accordance with API 1631. (See 41 Ill. Adm. Code 170.430(c)(11).)

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- KK) Contractor failed to maintain a positive continual flow of fresh air into the tank once classified as non-hazardous and in lieu of supplied air. (See 41 Ill. Adm. Code 170.430(c)(15).)
- LL) Contractor failed to provide continuous monitoring during the operation. (See 41 Ill. Adm. Code 170.430(c)(15).)
- 4) Violations Related to Cathodic Protection
  - A) Contractor failed to vapor free the tank before introducing an electrified video camera into the interior for the purpose of inspection prior to installing cathodic protection. (See 41 Ill. Adm. Code 170.460(a)(1)(B)(ii).)
  - B) Contractor had a remote camera with a short in the electrical system. (See 41 Ill. Adm. Code 170.460(a)(1)(B)(ii).)
  - C) Contractor had a lighting source that was not suitable for this application. (See 41 Ill. Adm. Code 170.460(a)(1)(B)(ii).)
- 5) Violations Related to Emergency Repairs Allowed  
Contractor failed to notify OSFM of request for authorization to proceed for emergency repair. (See 41 Ill. Adm. Code 170.481(d).)
- 6) Violations Related to Installer, Repairer, Liner or Remover of USTs and Obtaining Permits
  - A) Contractor failed to obtain a permit in advance to install a UST. (See 41 Ill. Adm. Code 170.541(a).)
  - B) Contractor failed to obtain a permit in advance to repair a UST. (See 41 Ill. Adm. Code 170.541(a).)
  - C) Contractor failed to obtain a permit in advance to line a UST. (See 41 Ill. Adm. Code 170.541(a).)
  - D) Contractor failed to obtain a permit in advance to perform lining touch up work on a UST. (See 41 Ill. Adm. Code 170.541(a).)
  - E) Contractor failed to obtain a permit in advance to perform a lining inspection on a UST. (See 41 Ill. Adm. Code 170.541(a).)

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- F) Contractor failed to obtain a permit in advance to install cathodic protection on a UST. (See 41 Ill. Adm. Code 170.541(a).)
  - G) Contractor failed to obtain a permit in advance to abandon-in-place a UST. (See 41 Ill. Adm. Code 170.541(a) and 170.670(d)(2)(H)(i).)
  - H) Contractor failed to obtain a permit in advance to upgrade a UST. (See 41 Ill. Adm. Code 170.541(a).)
  - I) Contractor failed to obtain a permit in advance to remove a UST. (See 41 Ill. Adm. Code 170.541(a).)
  - J) Contractor did regulated UST activities with an expired permit. (See 41 Ill. Adm. Code 170.541(a)(7).)
  - K) The contractor performed UST activities that were not in compliance with the conditions of a permit issued to that contractor. (See 41 Ill. Adm. Code 170.541(e).)
- 7) Violations Related to Notification and Establishment of Time Certain and Date Certain for UST Activity
- A) The contractor failed to schedule a date certain with the OSFM to perform UST activities relating to removals, abandonment-in-place, repair or lining of any tank entry. (See 41 Ill. Adm. Code 170.543(a)(2)(A).)
  - B) The contractor performed work without the OSFM STSS present, while removal, abandonment-in-place, tank entry, interior lining, lining inspect, or installation of manway (except in cases where manway installation is a part of aligning permit or lining inspection permit) activities were being performed. (See 41 Ill. Adm. Code 170.543(a)(2)(B).)
- 8) Violations Related to Tester of USTs and UST Equipment
- The contractor had an employee performing precision tank and piping test who was not trained by the manufacturer of the testing equipment he was using to conduct the test. (See 41 Ill. Adm. Code 170.544(a)(2)(B).)

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- 9) Violations Related to Removal or Abandonment-in-Place of USTs
- A) Contractor did not remove all petroleum or hazardous substance from the tank or connecting lines prior to the removal process. (See 41 Ill. Adm. Code 170.670(a)(1).)
  - B) The contractor did not follow all parts of recommended practice API 1604 before the removal process and at any time thereafter. (See 41 Ill. Adm. Code 170.670(a)(4).)
  - C) The contractor did not establish an exclusion zone around the tank excavation during the removal process. (See 41 Ill. Adm. Code 170.670(c)(3).)
  - D) The contractor had employees and/or subcontractor employees smoking within the exclusion zone during the removal process. (See 41 Ill. Adm. Code 170.670(c)(3).)
  - E) The contractor did not use explosion-proof pumps to remove liquids from the tanks prior to removal process. (See 41 Ill. Adm. Code 170.670(c)(5).)
  - F) The contractor used a plastic pipe to suck product out of a tank prior to removal. (See 41 Ill. Adm. Code 170.670(c)(5).)
  - G) The contractor did not properly monitor the tank atmosphere down to the bottom of the tank or the excavation area. (See 41 Ill. Adm. Code 170.670(c)(6) and (d)(2)(H)(vii).)
  - H) While vapor freeing a tank with compressed air, the contractor did not bond all devices to the tank or properly ground the tank to a separate ground. (See 41 Ill. Adm. Code 170.670(c)(8) or (d)(2)(H)(viii).)
  - I) While vapor freeing a tank for removal, plastic pipes were used as vent tubes on eductors. (See 41 Ill. Adm. Code 170.670(c)(8).)
  - J) The contractor excavated along the side or end of a tank prior to vapor freeing or inerting the tank itself. (See 41 Ill. Adm. Code 170.670(c)(10).)

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- K) The contractor began cutting and cleaning operations before OSFM STSS was on site for a tank removal inspection. (See 41 Ill. Adm. Code 170.670(c)(11).)
- L) The contractor did not have one or more of the following elements for personal protection of the tank cleaning personnel on site:
- Supplied air with full face mask.
  - Level B personal protective equipment with body harness and tag line.
  - Protective booties.
  - Continual monitoring of LEL and O<sub>2</sub> during cleaning.
  - Attendant/observer.
  - Confined space entry permit to include MSDS sheets.
  - Positive flow of fresh air supplied during the cleaning operations. (See 41 Ill. Adm. Code 170.670(c)(12)(G).)
- M) The contractor did not follow API 1604 Section 4.2.3 when using continuous spark producing equipment to cut the tank open after removal. (See 41 Ill. Adm. Code 170.670(c)(16).)
- N) When it was found that a tank had been removed without a permit and the tank was still on site and aboveground, the contractor who removed the tank illegally did not put the tank back into the excavation and cover it with backfill until a proper removal permit was obtained. (See 41 Ill. Adm. Code 170.670(c).)
- O) While filling a tank for abandonment-in-place, the contractor failed to follow API-recommended practice 1604. (See 41 Ill. Adm. Code 170.670(d)(2)(C).)
- P) The contractor did not establish an exclusion zone around the tank excavation during the abandonment-in-place process. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(iv).)

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- Q) The contractor was found using spark-producing/non-explosion proof equipment in the vapor hazard area during an abandonment-in-place process. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(iv).)
- R) The contractor had employees and/or subcontractor employees smoking within the exclusion zone during the abandonment-in-place process. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(iv).)
- S) The contractor did not use explosion-proof pumps to remove liquids from the tanks prior to the abandonment-in-place process. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(vi).)
- T) The contractor did not follow API 1604 while vapor freeing a tank for abandonment-in-place. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(viii).)
- U) The contractor began cutting and cleaning operations before OSFM STSS was on site for abandonment-in-place inspections. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(x).)
- V) During the cleaning procedures for an abandonment-in-place job, the contractor did not follow API-recommended practice 2015 that requires a type of respiratory equipment that provides positive air pressure to a full-face mask throughout the breathing cycle. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(xii).)

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- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting
- 2) Code Citation: 17 Ill. Adm. Code 530
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
530.20	Amendment
530.70	Amendment
530.80	Amendment
530.105	Amendment
530.110	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- 5) Effective date of amendments: September 18, 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 all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: May 30, 2003, 27 Ill. Reg. 8608
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

Section 530.70(c) – replaced "the number of hunting partners that may accompany a permit holder will be publicly announced" with "the permit is valid for the permit holder and up to three hunting partners"

Section 530.70(c) – replaced "Methods of" with "Methods for" and replaced "publicly announced" with "provided on the Department's Controlled Pheasant Hunting Website at: LRSIDNRPermits.com and are available from the Department's Springfield Permit Office"

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Section 530.70(e) – following "shall be" – added "provided on the Department's Controlled Pheasant Hunting Website and/or"

Section 530.80(a)(2) – following "Sand Ridge State Forest" added "(closed New Years Day)"

Section 530.80(a)(3) – subsection was revised to add hunting dates for open sites, as follows:

The controlled hunting season on Lee County Conservation Area (Green River is November 3, 9, 10, 16, 17, 30; and December 1, 8, 14, 15, 21, 22, Silver Springs State Park is October 18, 2003-January 8, 2004, Horseshoe Lake State Park (Madison County) is the first hunting day following the 2003 Central Zone duck season through January 31 – closed New Years Day – special hunts on Mondays and Tuesdays scheduled by announcement on the Departments' Controlled Pheasant Hunting Website and/or at the site's hunter check station, Chain O'Lakes State Park is October 29-December 7 and Ramsey Lake State Park is October 18, 2003-January 8, 2004 – closed New Years Day – special hunt on Mondays and Tuesdays scheduled by announcement on the Department's Controlled Pheasant Hunting Website and/or at the site's check station ~~will be publicly announced.~~

Section 530.80(d)(3) – added a comma following "Lee County Conservation Area (Green River)"

Section 530.105(f)(3) – following "Johnson-Sauk Trail State Park" struck-out the "," and added "and" and removed the strike-outs from "Park"

Section 530.105(f)(5) – deleted subsection listing the "Richland County Controlled Pheasant Hunting Area"

Section 530.105(n) – deleted subsection listing the "Richland Controlled Pheasant Hunting Area"

Section 530.110(b)(3) – in 3 listings for Pyramid State Park – add "open only November 5, 8, 11, 15, 19, 26, 29; December 2, 9, 13, 17, 20, 24, 27, 31; and January 3, 7, 10, 13, 15" and struck-out "~~dates open to hunting will be publicly announced~~"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the

## DEPARTMENT OF NATURAL RESOURCES

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agreements issued by JCAR? Yes

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This Part was amended to update the State-owned or –managed sites open for hunting, add language to clarify zones, update sites and regulations for fee hunting and update site-specific regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jonathan Furr, General Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271  
217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 530  
COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL,  
AND RABBIT HUNTING

Section	
530.10	Statewide General Regulations
530.20	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30	Statewide Hungarian Partridge Regulations (Repealed)
530.40	Statewide Bobwhite Quail Regulations (Repealed)
530.50	Statewide Rabbit Regulations (Repealed)
530.60	Statewide Crow Regulations (Repealed)
530.70	Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.80	Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
530.100	Illinois Youth Pheasant Hunting Regulations (Repealed)
530.105	Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites
530.110	Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115	Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum

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of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28, 1999; amended at 24 Ill. Reg. 12496, effective August 7, 2000; amended at 25 Ill. Reg. 11119, effective August 21, 2001; amended at 26 Ill. Reg. 16210, effective October 18, 2002; amended at 27 Ill. Reg. 15381, effective September 18, 2003.

**Section 530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations**

- a) Zones: South zone consists of all lands south of the line that follows U.S. Route 36 from the Indiana State line to Springfield, all lands west of the line that follows Route 29 from Springfield to Pekin and all lands south of the line that follows Route 9 from Pekin to Dallas City, then due west to the Mississippi River; north zone is the remainder of the State.
- b) Season dates:
  - 1) North (all species) – first Saturday in November through the next following January 8.  
  
South (all species except rabbits) – first Saturday in November through the next following January 15.  
South (rabbits) – the first Saturday in November through the next following January 22.
  - 2) Hunting outside the set season dates is a petty offense.

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- c) Hunting hours: Sunrise until sunset. Hunting prior to sunrise or after sunset is a petty offense (see 520 ILCS 5/2.2). Hunting before ½ hour prior to sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
- d) Daily limit:
- 1) Cock pheasant – 2 (see 520 ILCS 5/2.6)  
Bobwhite Quail – 8 (see 520 ILCS 5/2.7)  
Hungarian Partridge – 2 (see 520 ILCS 5/2.13)  
Rabbit – 4 (see 520 ILCS 5/2.27)
  - 2) Exceeding the daily limit is a petty offense.
- e) Possession limit (after the second day of the hunting season):
- 1) Cock Pheasant – 6 (see 520 ILCS 5/2.6)  
Bobwhite Quail – 20 (see 520 ILCS 5/2.7)  
Hungarian Partridge – 6 (see 520 ILCS 5/2.13)  
Rabbit – 10 (see 520 ILCS 5/2.27)
  - 2) Exceeding the possession limit is a petty offense.
- f) Cock pheasant may be hunted only; hen pheasants are illegal to take or possess, except as specified on controlled hunting areas operated pursuant to Sections 1.13 or 3.27 of the Wildlife Code [520 ILCS 5/1.13 or 3.27] or at sites listed in Section 530.105 and as provided for on designated sites in Section 530.110, and by falconry methods as described in 17 Ill. Adm. Code 1590, Falconry and the Captive Propagation of Raptors. Illegal taking of hen pheasants is a petty offense (see 520 ILCS 5/2.6).

(Source: Amended at 27 Ill. Reg. 15381, effective September 18, 2003)

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**Section 530.70 Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites**

- a) Applicants must contact the Department of Natural Resources' (Department or DNR) Springfield Permit Office or reservation concessionaire to obtain a permit reservation. (However, for Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Chain O'Lakes State Park, applicants must contact the public/private partnership area concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact DNR.) Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Providing false information on the application is a Class A misdemeanor (see 520 ILCS 5/2.38).
- b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- c) For all DNR operated sites ~~the permit is valid for the permit holder and up to three hunting partners. -except Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area, Wolf Creek State Park, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit and Sand Ridge State Forest, the permit authorizes the permit holder to bring one hunting partner. — At Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area, Wolf Creek State Park, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit and Sand Ridge State Forest, the permit is valid for the permit holder and up to three hunting partners.~~ The hunting partners cannot hunt without the permit holder being present to hunt. ~~Methods for changing hunting reservations and transferring permits will be provided on the Department's Controlled Pheasant Hunting Website at: [LRSIDNRPermits.com](http://LRSIDNRPermits.com) and are available from the Department's Springfield Permit Office. The reservation concessionaire or Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. — Permits cannot be transferred on the hunting areas.~~ For other information visit the Department's Website at: <http://dnr.state.il.us> or write to:

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Illinois Department of Natural Resources  
Pheasant  
One Natural Resources Way  
P.O. Box 19457  
Springfield, Illinois 62794-9457

- d) Reservations for pheasant hunting will be issued from the reservation concessionaire or Springfield Permit Office for Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit, [Lee County Conservation Area \(Green River\)](#), Moraine View State Park, Sand Ridge State Forest and Wayne Fitzgerald State Park.
- e) ~~Reservations of upland game hunting will be issued by the reservation concessionaire or Springfield Permit Office for Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area, and Wolf Creek State Park.~~
- e)f) The Department will operate a conveyance for disabled hunters possessing a current Standing Vehicle Permit at some controlled pheasant hunting sites. Reservations for this conveyance must be made at least 2 days in advance, and shall be on a first come-first served basis. Sites where the conveyance will be available as well as dates of operation shall be [provided on the Department's Controlled Pheasant Hunting Website and/or publicly publically](#) announced.

(Source: Amended at 27 Ill. Reg. 15381, effective September 18, 2003)

**Section 530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites**

- a) Hunting Seasons:
- 1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and on December 25. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday and Tuesday on DNR operated areas.

Des Plaines Conservation Area

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Eldon Hazlet State Park (Carlyle Lake)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park (Rend Lake)

- 2) The following controlled pheasant hunting areas are open to the Illinois Youth Pheasant Hunting Program only on the first Sunday of the site's controlled pheasant hunting season.

Des Plaines Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit

Lee County Conservation Area

Moraine View State Park

Sand Ridge State Forest (closed New Years Day)

Wayne Fitzgerald State Park (Rend Lake)

- 3) The controlled hunting season on Lee County Conservation Area (Green River) is November 3, 9, 10, 16, 17, 30 and December 1, 8, 14, 15, 21, 22, Silver Springs State Park is October 18, 2003 - January 8, 2004, Horseshoe Lake State Park (Madison County) is the first hunting day following the 2003 Central Zone duck season through January 31 – closed New Years Day – special hunt on Mondays and Tuesdays scheduled by

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announcement on the Department's Controlled Pheasant Hunting Website and/or at the site's hunter check station, Chain O'Lakes State Park is October 29 - December 7 and Ramsey Lake State Park is October 18, 2003 - January 8, 2004 – closed New Years Day – special hunt on Mondays and Tuesdays scheduled by announcement on the Department's Controlled Pheasant Hunting Website and/or at the site's check station will be publicly announced.

- 4) On the following area the controlled pheasant hunting season is the Wednesday before the first Saturday of November through the seventh Sunday following; exceptions are in parentheses:

Iroquois County Conservation Area (closed during the November 3-day firearm deer season)

- 5) On the following areas the controlled pheasant hunting season is the Wednesday before the first Saturday of November through the ninth Sunday following; exceptions are in parentheses:

Des Plaines Conservation Area (closed during the November 3-day firearm deer season)

Moraine View State Park

- 6) On the following areas the controlled pheasant hunting season is the first Wednesday of November through the ninth Sunday following:

Eldon Hazlet State Park

Wayne Fitzgerald State Park

- 7) On the following areas the controlled pheasant hunting season is the first Saturday in November through the next following January 15; exceptions are in parentheses:

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit (closed during the November and December firearm deer seasons)

Sand Ridge State Forest

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8) ~~On the following areas the upland game hunting season will be publicly announced:~~

~~Eagle Creek State Park~~

~~Hamilton County State Fish and Wildlife Area~~

~~Mackinaw State Fish and Wildlife Area~~

~~Wolf Creek State Park~~

- b) Hunting hours are listed below, exceptions in parentheses. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

Site Name	Check-In Times	Hunting Hours
Chain O'Lakes State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
<del>Eagle Creek State Park</del>	<del>8:00-9:00 a.m.</del>	<del>8:00 a.m.-4:00 p.m.</del>
Eldon Hazlet State Park (Carlyle Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
<del>Hamilton County State Fish and Wildlife Area</del>	<del>8:00-9:00 a.m.</del>	<del>8:00 a.m.-4:00 p.m.</del>
Horseshoe Lake State Park (Madison County)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Iroquois County Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Unit)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)

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<del>Lee County Conservation Area</del>	<del>8:00-8:30 a.m.</del>	<del>9:00 a.m.-4:00 p.m.</del>
<del>Mackinaw State Fish and Wildlife Area</del>	<del>8:00-9:00 a.m.</del>	<del>8:00 a.m.-4:00 p.m.</del>
Moraine View State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Ramsey Lake State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Sand Ridge State Forest	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
Silver Springs State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Wayne Fitzgerald State Park (Rend Lake)	7:00 a.m.-12:00 noon	9:00 a.m.-4:00 p.m.
<del>Wolf Creek State Park</del>	<del>8:00-9:00 a.m.</del>	<del>8:00 a.m.-4:00 p.m.</del>

- c) During the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued on a first come-first served basis until 12:00 Noon; except for Standing Vehicle Permittees wishing to hunt from the Department disabled conveyance. At Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area and Wolf Creek State Park, unfilled permit quotas will be filled by drawing at 9 a.m.
- d) Hunting licenses, daily usage stamps and fees:
- 1) During the controlled pheasant hunting season, hunters- are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
  - 2) At the Iroquois County Conservation Area hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday

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following Thanksgiving Day hunters under 16 are not required to obtain a stamp.

- 3) At Des Plaines Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit, Lee County Conservation Area (Green River), Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge State Forest, hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day and the Saturday between Christmas Day and New Years Day hunters under 16 are not required to obtain a stamp.

- 4) Fees and methods of payment at the following sites will be publicly announced:

Chain O'Lakes State Park

Horseshoe Lake State Park (Madison County)

Ramsey Lake State Park

Silver Springs State Park

- ~~5) At Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area, and Wolf Creek State Park, hunters must obtain a daily usage stamp from the Department prior to hunting.~~

- e) During the controlled pheasant hunting season, hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started hunting on the area shall be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 bismuth, No. 3 steel or tin, or smaller may be used except at Chain O' Lakes State

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Park, Lee County Conservation Area (Green River), Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or tin, No. 4 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.

- h) Non-hunters are not allowed in the field (except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances of Standing Vehicle Permittees and single dog handler for the Permittee).
- i) Hunters under 16 years of age must be accompanied by an adult hunter.
- j) Daily limits:
  - 1) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Wayne Fitzgerald State Park, and the Des Plaines Conservation Area.
  - 2) Two pheasants of either sex, 8 bobwhite quail and 4 rabbits at Sand Ridge State Forest.
  - 3) Two ~~eek~~-pheasants of either sex, 8 bobwhite quail (first 10 days of the season only) and 4 rabbits at Jim Edgar Panther Creek State Fish and Wildlife Area.
  - 4) Four ~~eek~~-pheasants of either sex at Chain O' Lakes State Park and Silver Springs State Park; 2 ~~eek~~-pheasants of either sex may be taken per permit with a maximum of 2 permits per hunter per day.
  - 5) Four pheasants of either sex; each hunter may obtain a 2 pheasant permit with a maximum of 2 of these permits per day or a 3 or 4 pheasant permit with a maximum of one of either of these permits per day (except that on the first day of fee hunting, each hunter will also be allowed to harvest 4 quail and 2 rabbits ) at Horseshoe Lake State Park (Madison County).
  - 6) Four pheasants of either sex; each hunter may obtain a 2 pheasant permit with a maximum of 2 of these permits per day or a 3 or 4 pheasant permit with a maximum of one of either of these permits per day; 8 bobwhite

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quail and 4 rabbits at Ramsey Lake State Park.

- 7) Two ~~cock~~ pheasants of either sex at Moraine View State Park ~~and Lee County Conservation Area (Green River).~~
- 8) Two cock pheasants at the Lee County Conservation Area (Green River); 8 bobwhite quail, and 4 rabbits at Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area, and Wolf Creek State Park.
- k) Tagging of birds.  
During the controlled pheasant hunting season, all pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- l) During the controlled pheasant hunting season, hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days after the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way-, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
- n) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 27 Ill. Reg. 15381, effective September 18, 2003)

**Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

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- b) All areas are closed to fee upland game hunting Mondays and Tuesday, Christmas Day and New Year's Day. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday or Tuesday on DNR operated areas.
- c) Hunting hours are 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park).
- d) All hunting must be done with shotgun or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 bismuth, No. 3 steel or tin, or smaller may be used, except at Johnson-Sauk Trail State Park where only non-toxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or tin, No. 4 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix, or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.
- e) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- f) Hunter quota selection, daily usage stamp requirements and exemptions and hunter age requirements:
- 1) A drawing shall be held at the site to fill hunter quotas.
  - 2) A daily usage stamp is required prior to hunting opening date through the day following the final game bird release.
  - 3) Hunters under 16 are not required to obtain a daily usage stamp at Johnson-Sauk Trail State Park and; Kankakee River State Park ~~and the Washington County Conservation Area~~ on the Sunday following Thanksgiving Day and on the Saturday between Christmas Day and New Year's day.
  - 4) Hunters under 16 years of age must be accompanied by an adult hunter.
  - 5) ~~At the Richland County Controlled Pheasant Hunting Area a daily usage stamp is not required. Fees and methods of payment at this site will be~~

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~~publicly announced.~~

- g) When daily quotas are not filled, hunters are allowed to check in on a first come-first served basis until 12:00 noon.
- h) The Department shall publicly announce the registration time and quota to be filled.
- i) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
- j) A back patch issued at the check station must be worn while hunting.
- k) Non-hunters are not allowed in the field (except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field).
- l) Hunters must not leave the site without first checking out.
- m) Daily Limit:
  - Pheasant – 2 (either sex may be harvested)
  - Bobwhite Quail – 8
  - Hungarian Partridge – 2
  - Rabbit – 4
- n) Statewide regulations as provided for in this Part apply at the following Controlled Daily Drawing Pheasant Hunting sites, except as noted above and in parentheses below:

Johnson-Sauk Trail State Park

Kankakee River State Park (Hunters must check out within 15 minutes of the close of hunting hours; quail shall not be harvested)

~~Richland County Controlled Pheasant Hunting Area (the controlled pheasant hunting season will be publicly announced; daily limit 4~~

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~~pheasants of either sex may be harvested; each hunter may obtain a 2 pheasant permit with a maximum of 2 of these permits per day or a 3 or 4 pheasant permit with a maximum of one of either of these permits per day) Washington County Conservation Area~~

- o) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way-, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
- p) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 27 Ill. Reg. 15381, effective September 18, 2003)

**Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites**

- a) General Site Regulations
  - 1) All regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping – apply in this Section, unless this Section is more restrictive.
  - 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
  - 3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
  - 4) On sites which are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size No. 3 steel or No. 5 bismuth shot or smaller may be used or possessed with a shot size of No. 3 steel or tin, No. 4 bismuth, No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.

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- 5) Site specific rules or exceptions are noted in parentheses after each site.
- b) Site Specific Regulations
- 1) Statewide regulations apply at the following sites:
    - Anderson Lake Conservation Area (1)
    - Apple River Canyon State Park – Salem and Thompson Units (rabbits only; closed during firearm deer season) (1)
    - Argyle Lake State Park (closed during firearm deer season) (1)
    - Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season) (1)
    - Big Bend State Fish and Wildlife Area (hunting for bobwhite quail will terminate at the close of legal shooting hours on December 14) (1)
    - Big River State Forest (closed during firearm deer season) (1)
    - Cache River State Natural Area (1)
    - Campbell Pond Wildlife Management Area
    - Carlyle Lake Lands and Waters (Corps of Engineers Managed Lands)
    - Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)
    - Chain O'Lakes State Park (open Wednesday after controlled pheasant hunting season for 5 consecutive days, closed December 25; hunting hours 8 a.m.-4 p.m.) (1)
    - Crawford County Conservation Area (1)
    - Cypress Pond State Natural Area (1)

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Dog Island Wildlife Management Area (1)

Eagle Creek State Park (open only January 16-22)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Falling Down Prairie (1)

Fern Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Fulton County Goose Management Area (opens the day after the close of the Central Illinois Quota Zone goose season) (1)

Giant City State Park (1)

Hamilton County Conservation Area (~~Open Unit~~) (~~Quail Unit open only January 16-22~~) (~~8:00 a.m.-4:00 p.m.~~) (1)

Hanover Bluff ~~State Natural Area~~ – ~~Kopper Tract~~ (1)

Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area) (1)

Horseshoe Lake Conservation Area (Controlled Hunting Area; closed prior to and during the Canada goose season) (1)

I-24 Wildlife Management Area (1)

Jubilee College State Park (opens second day of statewide season; pheasant and quail close the Sunday after Thanksgiving) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during

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duck season) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed during the site's firearm deer season) (1)

Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesday, Christmas Day and New Year's Day) (1)

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

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

Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

[Nauvoo State Park \(Max Rowe Unit only\)](#)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesday during the fee pheasant season) (1)

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Randolph County Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area) (1)

Red Hills State Park (1)

Rend Lake Project Lands and Waters

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms (2)

Sielbeck Forest Natural Area (1)

Snake Den Hollow Fish and Wildlife Area (opens the day after the close of the Central Illinois Quota zone goose season) (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area (Firing Line Management Area only) (1) (2)

[Washington County Conservation Area \(1\)](#)

Weinberg-King State Park (1)

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Weinberg-King State Park (Cecil White Unit)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

Wolf Creek State Park (open only January 16-22)

- 2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit

Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit)

Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and

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Tuesday during the site controlled hunting program and from Wednesday after the permit pheasant season until the end of the Northern Zone Rabbit Season. Quail and pheasant hunting are permitted Wednesday through Sunday following the permit pheasant season; 2 cock pheasants may be taken. All hunting is 8 a.m. to 4 p.m. only.)

Newton Lake Fish and Wildlife Area (closed during firearm deer season)

Pyramid State Park – Galum Unit

Sanganois State Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area (non-toxic shot only on posted waterfowl rest areas)

- 3) Hunting is permitted on the following areas only on the dates listed in parentheses; or on sites indicated by (3), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November, and on each Thursday and Sunday in December, through December 24. On sites indicated by (4), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November and on each Thursday and Sunday in December, through December 24, except closed during the firearm deer seasons and open December 27 and 29. Daily hunting permits filled by drawing through DNR Permit Office. Procedures for application and drawings will be publicly announced. Illinois residents will have preference. Only one permit per person will be issued. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or permit holders will forfeit hunting privileges at the sites covered in this Section for the following year:

Bradford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Clifton Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

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Dublin Highlands Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners)

Eagle Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (3)

Edward R. Madigan State Park (open on Mondays from the opening of upland game season until Christmas Day ; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

Freeman Mine (open every Wednesday in November and December starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Green River State Wildlife Area (open only November 1, 5, 6, 8, 12, 13, 15, 19, 26 and 29-6, 7, 9, 13, 14, 16, 20, 27, 30 and December 10, 11, 13, 17, 18, 20, 27 and 28-11, 12, 14, 18, 19, 21, 26, 28; each permit authorizes the holder to bring 5 hunting partners) (1) (2)

Hallsville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Harry "Babe" Woodyard State Natural Area (each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours) (4)

Herschel Workman Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hindsboro Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hurricane Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (4)

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Jim Edgar Panther Creek State Fish and Wildlife Area (Quail Management Area) (open every Tuesday and Saturday in November, December and January starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners)

Loda Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Mackinaw State Fish and Wildlife Area (each permit authorizes the holder to bring 3 hunting partners) (4)

Manito Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Maytown Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Perdueville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Pyramid State Park – Captain Unit (open only November 5, 8, 11, 15, 19, 26, 29; December 2, 9, 13, 17, 20, 24, 27, 31; and January 3, 7, 10, 13, 15 ~~dates open to hunting will be publicly announced~~; each permit authorizes the holder to bring 3 hunting partners)

Pyramid State Park – Denmark Unit (open only November 5, 8, 11, 15, 19, 26, 29; December 2, 9, 13, 17, 20, 24, 27, 31; and January 3, 7, 10, 13, 15 ~~dates open to hunting will be publicly announced~~; each permit authorizes the holder to bring 3 hunting partners)

Pyramid State Park – East Conant Unit (open only November 5, 8, 11, 15, 19, 26, 29; December 2, 9, 13, 17, 20, 27, 31; and January 3, 7, 10, 13, 15 ~~dates open to hunting will be publicly announced~~; each permit authorizes the holder to bring 3 partners)

Sand Prairie Pheasant Habitat Area (each permit authorizes the

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holder to bring 5 hunting partners) (3)

Sand Ridge State Forest (Sparks Pond Land and Water Reserve Area) (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer season; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (open every Wednesday and Saturday in November and December after the opening day of upland game season except December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 1 p.m. to sunset; check in required before hunting)

Saybrook Pheasant Habitat Area (~~McLean County~~) (each permit authorizes the holder to bring 3 hunting partners) (3)

Sibley Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Siloam Springs State Park – Buckhorn Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday until close of the statewide quail season; each permit authorizes the holder to bring 3 hunting partners)

Siloam Springs State Park – Scripps Units (open only the first and third days of firearm deer season and every Tuesday and Saturday until close of the statewide quail season; each permit authorizes the holder to bring 3 hunting partners)

Steward Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Victoria Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Willow Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Wolf Creek State Park (each permit authorizes the holder to bring

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3 hunting partners) (4)

- 4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m.-4:00 p.m.; hunting dates are noted in parentheses:

Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesday and Christmas) (1)

Eldon Hazlet State Park (controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (open Wednesday through Sunday following permit pheasant season) (1)

Johnson-Sauk Trail State Park (open Wednesday through Sunday following permit pheasant season) (2)

Kankakee River State Park (no quail hunting)

~~Washington County Conservation Area (1)~~

- c) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 27 Ill. Reg. 15381, effective September 18, 2003)

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- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
590.10	Amendment
590.15	Amendment
590.20	Amendment
590.40	Amendment
590.50	Amendment
590.60	Amendment
590.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8 and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8 and 3.10], and Migratory Bird Hunting (50 CFR 20).
- 5) Effective date of amendments: September 18, 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 all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: July 3, 2003, 27 Ill. Reg. 9778
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Changes were non-substantial and were made to correct spelling, grammar and punctuation errors.
- 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 this rulemaking replace any emergency rulemaking currently in effect? Yes

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This Part is being amended to update Statewide regulations, sites open for hunting, site-specific regulations and hunting dates.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jonathan Furr, General Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271  
217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 590  
DUCK, GOOSE AND COOT HUNTING

Section	
590.10	Statewide Regulations
590.15	Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50
590.20	Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting
590.25	Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)
590.26	Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30	Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40	Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.60	Various Other Department Sites – Duck, Goose and Coot Hunting
590.70	Ohio River
590.80	Early and Late Goose (all species) Hunting Regulations on Department Sites
590.EXHIBIT A	The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency

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amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 10, 2000; amended at 24 Ill. Reg. 12517, effective August 7, 2000; amended at 25 Ill. Reg. 14131, effective October 22, 2001; amended at 26 Ill. Reg. 16238, effective October 18, 2002; amended at 27 Ill. Reg. 15409, effective September 18, 2003.

**Section 590.10 Statewide Regulations**

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- a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], *it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 USC 703-711), the "Migratory Bird Hunting Stamp Act" (16 USC 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20 and 21) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).*
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33), except that violation of Section 2.33(g), (i), (o), (p), (y) and (cc) are Class A misdemeanors with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations. Violation is a petty offense (see 520 ILCS 5/2.18-1).
- e) It shall be unlawful to possess any shotgun shell loaded with a shot size larger than bismuth BBB, tungsten-iron BB, tungsten-polymer BB, tungsten-matrix BB, or tungsten-nickel-iron (HEVI-SHOT) B when attempting to take waterfowl. Violation is a petty offense (see 520 ILCS 5/2.18-1).
- f) Emergency Closure  
  
The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis. Hunting Canada Geese after the season is closed is a Class B misdemeanor (see 520 ILCS 5/2.18). Possession of freshly killed wild geese during the closed season is a Class A misdemeanor (see 520 ILCS 5/2.33(cc)).
- g) Closed Areas

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Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted. Violation is a petty offense (see 520 ILCS 5/2.20).

- h) Commercial Migratory Waterfowl Hunting Area Permits
- 1) The holder of a permit shall forward information on harvest and hunters to the Department, by phone or on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Permit holders are required to retain a copy of their harvest records for at least 2 years after expiration of their permit. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years. Violation is a petty offense (see 520 ILCS 5/3.6).
  - 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that ~~no~~ ~~not~~ more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8).
  - 3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.
- i) Waterfowl Hunting Zones:
- 1) North Zone – That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
  - 2) Northern Illinois Quota Zone – DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.
  - 3) Central Zone – That portion of the State south of the northern zone boundary to the Modoc Ferry route on the Mississippi River and east along the Modoc Ferry Road to Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161,

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then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.

- 4) Central Illinois Quota Zone – Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.
  - 5) South Zone – From the southern boundary of the Central Zone south to the remainder of the State.
  - 6) Northeastern Illinois Canada Goose Zone – All lands and waters in the counties of Cook, DuPage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.
  - 7) Southern Illinois Quota Zone – Alexander, Union, Williamson, and Jackson Counties.
- j) No person during the open season shall take or attempt to take wild geese prior to ½ hour before sunrise nor after sunset. In the Southern Illinois Quota Zone (SIQZ), no person shall take or attempt to take wild geese after the hour of 3:00 p.m.; except, during the last 3 days of the Canada goose season and during any goose seasons that occur after the regular Canada goose season and during any Canada goose season set in September, hunting hours in the SIQZ shall close at statewide closing time at sunset daily, and during any Canada Goose Season set in September, hunting hours shall close daily at sunset. During special light goose seasons as indicated in subsection (n), statewide hunting hours shall be ½ hour before sunrise to ½ hour after sunset daily. Hunting prior to ½ hour before sunrise during the open season is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after ½ hour after sunset is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after closing hours is a Class B misdemeanor (see 520 ILCS 5/2.18).
- k) On any property where the principal waterfowl harvest is wild geese in the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8(b)(4)).

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- l) The following apply in the Northern, and Central ~~and Southern~~ Illinois Quota Zones only:
  - 1) It is unlawful to hunt Canada geese during seasons after September 15 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferrable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.
  - 2) Immediately upon taking possession of a harvested Canada goose, hunters must mark with indelible ink, punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested) and zone where killed.
  - 3) Hunters must report their kill on the same calendar day the geese are taken by calling 1-800-WETLAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.
  - 4) Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).
- m) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license. Violation is a petty offense (see 520 ILCS 5/3.1(f)).
- n) If 50 CFR 20 or 21 allows light goose seasons to be liberalized, snow geese, blue geese and Ross' geese may be taken in accordance with federal regulations regarding hunting hours, method of taking and bag limits through March 31.

(Source: Amended at 27 Ill. Reg. 15409, effective September 18, 2003)

**Section 590.15 Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50**

- a) Definitions
  - 1) Blind site – A position within 10 feet of numbered stake where blind must

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be constructed. Sites shall be located and marked by the Department of ~~Natural Resources~~.

- 2) Blind builder – Person who has been assigned a blind site as a result of the drawing.
  - 3) Blind partner – Persons chosen by the builder to assist in construction and maintenance of the blind and to share its blind claiming and hunting privileges.
  - 4) Drawing – Procedure by which blind sites are assigned.
  - 5) Blind registration card – Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.
  - 6) Complete blind – A blind with all framework and siding constructed and in readiness for use, including final brushing.
  - 7) Hunting party – An individual or group of hunters occupying a single boat, blind, or hunting site.
  - 8) Dog Hide – A compartment or area within or attached to a blind that houses a dog used to retrieve downed waterfowl.
- b) Blind Construction
- 1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.
  - 2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.
  - 3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of regular duck season (except at Mississippi River Area Pools 25 and 26 blinds and final brushing must be completed 4 weeks in advance of opening date of regular duck season) after which time the

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Department of Natural Resources shall inspect all blinds and blind sites and issue Blind Registration Cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake until the day following Labor Day. Blind builders must post Blind Registration Card in the blind prior to the first day of regular duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.

- 4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first come-first served allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, ~~7~~ seven days prior to the opening date of the duck season on sites posted as being closed to trespassing 7 days prior to regular duck season. At Mississippi River Area Pools 25 and 26 reassigned blinds must be completed by sunset of the Sunday immediately preceding the opening day of regular duck season. On all other sites reassigned blinds must be completed, including final brushing, by the day before the opening day of the regular duck season.
- 5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned within 30 days prior to the blind drawing date. Failure to do so shall result in forfeiture of blind.
- 6) No person shall be allowed to be a blind builder or partner on more than one public waterfowl blind managed by the Illinois Department of Natural Resources.
- 7) Boat hides are required, except as noted in Sections 590.40 and 590.50, and must have minimum inside dimensions of 18' x 6', and shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by 3 weeks prior to the opening day of duck season, except at Mississippi River Area Pools 25 and 26 boat hides and final brushing must be completed 4 weeks prior to the opening day of duck season; failure to meet these standards shall result in forfeiture of

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blind site.

- 8) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds except as indicated in Sections 590.40(a) and (b) and 590.50(a) and (b).
  - 9) Blinds must include a dog hide that is on the same level as the blind. The dog hide can either be incorporated into the blind by providing a hole at floor level that measures at least 20 inches high by 20 inches wide or by providing a separate compartment that is attached to the blind. Hides attached to the blind should have a minimum floor space that measures 2 feet by 2 feet and should be at least 2.5 feet high with 2 openings. One opening should be between the blind and the dog hide, should measure at least 20 inches by 20 inches, and should be constructed at the same level as the blind floor. The water access opening should be at least 20 inches wide and 20 inches high. Hides either within the blind or attached should have an enforced ramp to water level that is at least 15 inches wide with cleats every 12 inches. Openings in the blind must be capable of being closed when not in use.
- c) Use of blinds
- 1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
  - 2) No person shall hunt, or attempt to hunt, except from within a registered blind.
  - 3) Persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by an adult due to safety factors.
  - 4) Blinds shall not be locked.
  - 5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied, is unlawful.
  - 6) No person shall fish within 250 yards of an occupied blind within the

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hunting area.

- 7) All hunting parties shall hunt over a spread of at least 12 decoys during duck season and Canada goose season. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container.
- 8) At sites where a manned check station is in operation, hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp ~~at~~ ~~in~~ the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

9) ~~Cutting of vegetation greater than 4 inches d.b.h. will result in loss of the blind for the current allocation period.~~

d) Public Drawing

- 1) Time and place for all sites holding drawings shall be publicly announced by the Department ~~of Natural Resources.~~
- 2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current or expired (within 12 months prior to the drawing) Firearm Owner's Identification Card unless exempted by law. Persons exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have Firearm Owner's Identification Cards must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. Applicants must be present for the registration and drawing to be eligible for allocation of blind sites.

e) Flood Rules

In the event that State managed sites are flooded to the point that public waterfowl blinds cannot be constructed or are no longer usable, the Department, by public announcement and/or posting, may permit waterfowl hunting under one of the following rules:

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- 1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site.
  - 2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in Section 590.40(b)(1), (2), (3), (4) and (9) shall not be in force. Rules concerning blind claiming as listed in Section 590.50(b) shall apply.
  - 3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, anywhere on the area except refuges and closed waterfowl rest areas. Preplacement of unattended decoys and/or unoccupied blinds or boat hides do not constitute lawful possession of a hunting site. All hunting parties must remain 200 yards apart and follow normal closing hours for the site.
  - 4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.
- f) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 27 Ill. Reg. 15409, effective September 18, 2003)

**Section 590.20 Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting**

- a) Sites covered in this Section, which allow hunting by permit only, are:

Banner Marsh Fish and Wildlife Area

Horseshoe Lake Conservation Area

Sangchris Lake State Park subimpoundment

Snakeden ~~Snake Den~~ Hollow State Fish and Wildlife Area

Union County Conservation Area

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## b) Permit Requirements

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. ~~At Sangchris Lake State Park subimpoundment unit, persons previously receiving blind permits will not be allocated another permit until all other applicants who have never received a permit are issued a permit. Persons receiving a blind permit then will have their next year's application placed at the bottom of the applications being processed.~~ Only applications for reservations submitted by Illinois residents will be processed during the first 2 weeks of the application period. Applicants making reservations will be sent confirmation.
- 2) Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [520 ILCS 5/3.8].
- 3) The permit shall be for the use of the entire blind. It shall be the responsibility of the permit holder to bring one hunting partner or one non-hunting partner or 2 non-hunting partners (3 persons per blind but not more than 2 hunters per blind) for ~~Snakeden Snake Den~~ Hollow State Fish and Wildlife Area, Horseshoe Lake Conservation Area, and Union County Conservation Area, or 3 partners (hunters or non-hunters; 4 persons per blind) for Banner Marsh ~~Fish and Wildlife Area~~ and Sangchris Lake State Park subimpoundment. Non-hunting partners are defined as persons under 21 years of age accompanying the hunter in the blind. Unallocated blinds shall be filled by a drawing at the sites.
- 4) Permits are not transferrable.
- 5) Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Natural Resources

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Permit Office – Waterfowl

P.O. Box 19457

Springfield, IL 62794-9457

c) General regulations

- 1) All use other than permit hunting as defined in subsection (b)(3) is prohibited at ~~Snakeden Snake-Den~~ Hollow ~~State Fish and Wildlife Area~~ from October 1 through close of Central Zone Canada goose season.
- 2) Hours, Permits and Stamp Charges
  - A) Hunting hours are from legal opening time until 1:00 p.m., except at Horseshoe Lake ~~Conservation Area~~ and Union County Conservation Area, which close at 12 noon.
  - B) At ~~Snakeden Snake-Den~~ Hollow ~~State Fish and Wildlife Area~~ from opening day through November 30, all hunters must register at the check station by 5:00 a.m. Permits are void after 5:00 a.m. From December 1 through December 31, all hunters must register at the check station by 5:30 a.m. Permits are void after 5:30 a.m. From January 1 through the close of goose season, all hunters must register at the check station by 6:00 a.m. Permits are void after 6:00 a.m. At Banner Marsh Fish and Wildlife Area, Horseshoe Lake Conservation Area and Union County Conservation Area hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Sangchris Lake State Park subimpoundment hunters must be checked in 90 minutes before legal hunting hours (2 hours before sunrise). Permits are void after this time.
  - C) A \$15 Daily Usage Stamp must be purchased at ~~Snakeden Snake-Den~~ Hollow State Fish and Wildlife Area, Horseshoe Lake Conservation Area and Union County Conservation Area. Partners between 16 and 20 years of age must pay daily usage stamp fee. Partners under 16 are not required to purchase a daily usage stamp.

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- D) A \$10 Daily Usage Stamp must be purchased at Banner Marsh Fish and Wildlife Area and Sangchris Lake State Park subimpoundment. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. All partners under 16 are not required to purchase a daily usage stamp.
- 3) Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
- 4) Guns must be unloaded and encased at all times when not hunting.
- 5) The legal hunting season for Union County Conservation Area is the dates of the Southern Quota Zone goose hunting season except that the area shall be closed on Mondays and December 24, 25, 26 and the first weekday after December 26 other than a Monday. (This site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 685.110.)
- 6) The legal hunting season for Horseshoe Lake Conservation Area is the dates of the Southern Quota Zone goose hunting season except that the area shall be closed on Mondays, Tuesdays (except for the Illinois Youth Goose Hunt) and December 24, 25, 26 and the first weekday after December 26 other than a Monday ~~or a Tuesday~~. (This site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday ~~or a Tuesday~~, pursuant to Section 685.110.)
- 7) The legal hunting season at Snakeden Snake Den Hollow State Fish and Wildlife Area is the dates of the Central Zone goose hunting season zone except that the area shall be closed on Tuesdays, Wednesdays, and December 24, 25 and 26.
- 8) The legal hunting season at Banner Marsh Fish and Wildlife Area is the dates of the Central Zone ~~central-zone~~ duck hunting season.
- 9) The legal hunting season for the Sangchris Lake subimpoundment is the opening day of the Central Zone duck hunting season ~~Duck Hunting Season~~, Tuesdays, Thursdays and Sundays, and the last day of the Central Zone duck hunting season ~~Duck Hunting Season~~ (on Thursdays blinds will

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be allocated by a daily drawing at the site pursuant to Section 590.60(b)(32)(B)).

- 10) At Horseshoe Lake Conservation Area, ~~Snakeden Hollow Fish and Wildlife Area~~ and Union County Conservation Area during duck season hunters may possess up to 25 shot shells. When duck season is closed hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit. At Snakeden Hollow State Fish and Wildlife Area hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- 11) At Horseshoe Lake Conservation Area and Union County Conservation Area hunters may bring up to 3 dozen decoys per party. No full bodied or supermagnum shell decoys are allowed.
- 12) Hunters without their guns may leave the blind to retrieve crippled waterfowl at Horseshoe Lake Conservation Area and Union County Conservation Area.
- 13) Hunters must be at least 16 years of age (except for the Illinois Youth Goose/Duck Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.

d) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 27 Ill. Reg. 15409, effective September 18, 2003)

**Section 590.40 Check Station Department Sites Only – Duck, Goose and Coot Hunting**

- a) The sites listed in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.
  - 1) Anderson Lake Conservation Area – All Management Units (previous years blind builders shall have until February 1 to salvage blind materials)
  - 2) Batchtown (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

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- 3) Calhoun Point (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 4) Glades (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 5) Godar-Diamond (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 6) Horseshoe Lake State Park – Madison County (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset with the exclusion of Christmas Day; 3 year blind allocation)
- 7) Lake DePue and Lake DePue Walk-in Unit (aka 3I)
- 8) Marshall State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
- 9) Mazonia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials; goose hunting prohibited before and after duck season; closed Mondays and Tuesdays)
- 10) Rice Lake Conservation Area (previous years blind builders shall have until February 1 to salvage blind materials)
- 11) Sanganois State Fish and Wildlife Area (check station and walk-in areas, hunters are not required to hunt from a blind site during goose seasons held after the duck season)
- 12) Spring Lake State Fish and Wildlife Area (all hunting must be from portable boat blinds within 10 yards of the assigned numbered stake or buoy; no more than 3 persons shall use one blind; exceptions will be

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announced at the site's annual duck blind drawing; the maximum horsepower limit of motors on the lake is 25 hp; goose hunting prohibited prior to the regular duck season)

- 13) Stump Lake (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
  - 14) Woodford State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
  - 15) William Powers Conservation Area (legal closing) (previous years blind builders shall have until May 1 to remove blinds in their entirety, including support posts; failure to comply will result in the blind builder and partners for that blind losing privilege of being a blind builder or partner at this site for the following year; no goose hunting prior to duck season; hunting from boat blinds is permitted within 10 feet of the following numbered marked blind sites: 4, 5, 7, 8, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23; all hunters must check in prior to occupying blind and must check out no later than one hour after legal closing time)
- b) The following regulations apply to all sites listed in this Section under subsection (a):
- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
  - 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.

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- 3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
- 4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned.
- 5) It shall be unlawful to trespass upon the designated duck hunting area during the 7 days prior to the regular duck season as posted at the site. At Mississippi River Area Pools 25 and 26 and Horseshoe Lake State Park (Madison County) it shall be unlawful to trespass upon the designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site.
- 6) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season.
- 7) No more than 4 persons shall occupy a blind at one time, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide.
- 8) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
- 9) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time and during the hours from 8:00 a.m. to 11:00 a.m., except at Marshall State Fish and Wildlife Area and Woodford State Fish and Wildlife Area, any blinds left unclaimed after completion of the daily drawing will be assigned on a first come-first served basis up to 30 minutes after the drawing and from 8:00 a.m. to 11:00 a.m., and except at Batchtown, Calhoun Point, Glades, Godar-Diamond, Horseshoe Lake State Park (Madison County) and Stump Lake (9:00 a.m.-1:00 p.m.) after which time the area shall be closed to additional hunters.

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- 10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After this date, all materials become the property of the new blind builder or the Department.
- 11) For those sites listed in this subsection that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds ~~not~~ re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.

c) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 27 Ill. Reg. 15409, effective September 18, 2003)

### **Section 590.50 Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting**

- a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

Anderson Lake West Point Management Unit (walk-in or boat; staked sites; daily draw)

~~Blanding Wildlife Area (Federal Lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)~~

~~Boston Bay (No permanent blinds may be built; temporary blinds only; 200 yards apart)~~

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blinds must be removed in their entirety, including support posts, by May 1; failure to comply will result in the blind builder and partners for that blind losing the privilege of being a blind builder or partner at this site for the following year)

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Clear Lake Wildlife Management Area (one year blind allocation)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

Fuller Lake (Daily hunting hours close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

Fulton County Goose Management Area (Wednesday, Saturday and Sunday hunting only; daily drawing at Rice Lake State Fish and Wildlife Area check station; hunting from staked blind sites only; no other use October 1 through the close of the central zone goose season)

Helmbold Slough (3 year blind allocation period)

Illinois River – Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake Sinnissippi (Department Owned Land; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; waterfowl hunters allocated blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 or 32 will have the option to either construct a platform blind (4' x 8' with boat hide) or a boat hide blind no less than 6' x 18' in dimension fully enclosed on all four sides, must include 4 shooting holes or ports and brushed (doors capable of being closed are permitted for boat access); hunters choosing to construct a boat hide type of blind will not be required to construct a dog hide; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 and 32 must be removed in their entirety no later than 10 days after the close of the northern zone waterfowl season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of marked blind sites beginning November 15 for those blinds removed on or after November 15)

~~Marshall County Conservation Area—Sparland Unit (Department Owned Land;~~

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~~previous years blind builders shall have until February 1 to salvage blind materials)~~

Marshall State Fish and Wildlife Area – Sparland Unit (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)

Meredosia Lake (one year blind allocation period) – Rules and Regulations will be publicly announced.

Mississippi River Pool 16 (Federal Lands; no permanent blinds – temporary blinds only above Velie Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period)

Momence Wetlands (Hunting allowed from a portable blind or anchored boat blind only; no more than 3 persons per blind site; no hunting during firearm deer seasons)

Pekin Lake State Fish and Wildlife Area (all hunting must be from portable boat blinds within 10 yards of the assigned numbered stake or buoy; no more than 3 persons shall use one blind; exceptions will be announced at the site's annual duck blind drawing; ~~the maximum horsepower limit of motors on the lake is 25 hp~~; goose hunting prohibited prior to the regular duck season)

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Piasa Island (3 year blind allocation period)

Quincy Bay (Mississippi River Pool 21) (hunting hours legal opening to 1:00 p.m. for blinds 1 through 25 only)

Red's Landing (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in/boats without motors area only; no permanent blinds; daily hunting hours will close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys)

Redwing Slough/Deer Lake (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.)

Redwing Slough/Deer Lake State Natural Area (hunting from boat blinds is permitted within 10 feet of marked blind sites)

Rice Lake, Walk-in Management Unit, Copperas Creek Management Unit and Big Lake Management Unit (Walk-in or boats without motors only; daily drawing; daily hunting hours will close at 1:00 p.m.)

Riprap Landing (3 year blind allocation period; that portion of Riprap Landing that is south of blind 5, known as Rust Land Company, will be noted as a walk-in; boats without motors in area only; no permanent blinds; hunting parties shall not hunt over less than 12 decoys or more than 24 decoys; decoys must be picked up daily; no vehicles allowed)

Shabbona Lake State Recreation Area (Hunting will be allowed between November 1 and December 31 but only when the North Zone Canada goose season is open; permanent, pre-constructed blinds will be awarded for either November or December; boat and dog hides are not required; persons awarded blinds at the drawing, or their partners, must claim their blinds one hour before legal shooting hours; hunting hours will end at 1:00 p.m. daily)

Starved Rock State Park (Department managed areas; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the

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construction of waterfowl blinds; all blinds must be removed in their entirety no later than 10 days after the close of the Central Zone duck season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of marked blind sites beginning November 15 for those blinds removed on or after November 15; hunting from boat blinds within 10 feet of marked blind sites is allowed until the end of the regular Central Zone Canada goose season)

- b) The following regulations apply to all sites listed in this Section under subsection (a).
- 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.
  - 2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
  - 3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).
  - 4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
  - 5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.
  - 6) No more than 4 persons shall occupy a blind at one time, except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area.
  - 7) On Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area the limit of 4 persons does not apply.
  - 8) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be

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accomplished ~~either~~ in person ~~or through the mail~~ during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.

- 9) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season as posted at the site.
  - 10) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of waterfowl season through the day before waterfowl season as posted at the site.
- c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Clear Lake Wildlife Management Area

Des Plaines Conservation Area

Kankakee River State Park

Pekin Lake State Fish and Wildlife Area

Redwing Slough/Deer Lake

- d) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 27 Ill. Reg. 15409, effective September 18, 2003)

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**Section 590.60 Various Other Department Sites – Duck, Goose and Coot Hunting**

The sites listed in this Section conform to Statewide Regulations (Section 590.10) and the following regulations, except as noted.

## a) Regulations

- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated by (1) following the location in subsection (b).
- 2) No permanent blinds allowed, except for Department constructed blinds; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
- 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
- 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties, except for Department constructed blinds or staked locations.
- 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.
- 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
- 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season except as indicated in the remainder of this Section.
- 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the regular duck season unless otherwise posted at the site.

## b) Site specific regulations

- 1) Blanding Wildlife Area (federal lands, boat access only; scull boat hunting

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for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)

2) Boston Bay (no permanent blinds may be built; temporary blinds only; 200 yards apart)

3)4) Cache River State Natural Area (1)

4)2) Campbell Pond Wildlife Management Area (1)

5)3) Carlyle Lake Project Lands and Waters

- A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.
- B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
- C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundments. Department of Natural Resources personnel will designate boat launching locations.
- D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Natural Resources personnel shall post that the area is open to boats with motors of 10 hp or less and will designate boat launching locations.

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- E) Known eagle protection areas will be posted by the Site Superintendent and will be closed to waterfowl hunting.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.
- G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box. All hunters must sign out and record their harvest daily before they exit the area.
- H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
- I) During the last 3 days of Canada goose season and during any goose seasons that occur after Canada goose season, hunting hours shall close at sunset daily.
- J) The following rules apply to North Allen Branch Waterfowl Management Area (Eldon Hazlet State Park) only
  - i) Three designated blind sites are available on a first come-first served basis. Walk-in hunting only is permitted with a maximum of 4 hunters per site. All hunting must be from one blind site located between identically numbered stakes.
  - ii) Hunters must sign in prior to hunting, and sign out and report their harvest at the end of each day. All hunters must be checked out by 2:00 p.m. daily, except the last 3 days of the Canada goose season, and during any goose seasons that may occur after the Canada goose season, hunters must be checked out by one hour after sunset.
  - iii) Decoys shall not be left out unattended.

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- iv) When the lake floods this area and designated blind sites are not usable for walk-in hunting, the Department, by public announcement and/or posting, will open the affected area to hunting from boats per Carlyle Lake Project Lands and Waters' rules.

~~6)4~~ Chauncey Marsh (1)

Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.

~~7)5~~ Clinton Lake (1)

- A) Hunters must obtain a free site hunting permit and windshield card from the site office prior to hunting. While hunting, the windshield card must be visible in the windshield with the permit number clearly visible. Site hunting permits must be in the hunter's possession while in the field. Hunters must return the permit and report harvest by February 15 of the following year, or hunting privileges for the following season shall be forfeited.
- B) Except as described in subsections (b)(5)(C) and (D), hunting is allowed only from anchored portable blinds, except that no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
- C) Waterfowl hunting is also permitted from staked sites in designated areas on a first come-first served basis. Walk-in or boat hunting only. Hunting parties must hunt within 50 yards of a staked site. No more than 4 hunters per party are permitted.
- D) Hunting is permitted from permanent land-based Disabled Hunting Program blinds.
- E) Each party must hunt over a minimum of 12 decoys. Decoys must be removed from the sites following each day's hunt. Decoys must not be left unattended.
- F) Except for the Handicap Hunting Program facilities, blinds must be portable or built from material brought in or available at the blind

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site. Blinds must be dismantled and removed at the end of each day's hunt. No trees or bushes may be cut.

~~8)6~~ Coffeen Lake State Fish and Wildlife Area

- A) Hunters must sign in prior to hunting and sign out, reporting harvest at the end of each day.
- B) Hunting from staked sites only.
- C) No permanent blinds.
- D) Hunting by boat access only.
- E) No cutting vegetation on site.
- F) Hunting north of railroad tracks only.
- G) Hunting hours from legal opening to 1 p.m. Fishing allowed between the railroad tracks and the county road after 1:00 p.m.
- H) Four hunters per blind site.
- I) No hunting during firearm deer seasons.
- J) All hunters must be checked out at sign in box by 2:00 p.m.

~~9)7~~ Cypress Pond State Natural Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day) (1)

~~10)8~~ Dog Island Wildlife Management Area (1)

Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.

~~11)9~~ Donnelley State Wildlife Area

- A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.

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- B) Goose hunting is prohibited after the close of the duck season.
- C) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
- D) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
- E) A hunter may bring one or 2 hunting partners under the age of 21.
- F) \$10 daily usage stamp must be purchased to hunt this area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
- G) No outboard motors are allowed by public – only by authorized DNR personnel.
- H) No more than 3 persons shall occupy a blind at any one time.
- I) All parties are required to report to check station within ~~one+~~ hour after termination of hunt or no later than 2:00 p.m.
- J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.
- K) The first weekend and the third Saturday of the regular duck season shall be designated as youth hunt days. This ~~shall will~~ consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
- L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

~~12)10)~~ Fort de Chartres Historic Site (1)

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- A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.
- B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
- C) No hunting is allowed during firearm deer season.

~~13)11)~~ Fox Ridge State Park (1)

Hunting restricted to Embarras River and its flood waters.

~~14)12)~~ Fox River (1)

- A) Waterfowl hunting is prohibited on that portion of the Fox River running from the Kendall-Kane County line downstream to a line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive.
- B) Waterfowl hunting shall be from Department designated sites only on that portion of the Fox River downstream from the line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive downstream to the Fox River Drive Bridge. Hunting at the designated sites will be on a first come-first served basis. Statewide regulations shall be in effect with no other Sections of this Part being applicable.

~~15)13)~~ Fox River – Chain of Lakes (Lake and McHenry Counties) (1)

Waterfowl blind regulations promulgated in accordance with the Illinois Administrative Procedure Act [5 ILCS 100] under the authority of the Fox Waterway Agency are in full force and effect on those public waters under their jurisdiction. Failure to comply with such regulations constitutes a violation of this Section. Statewide regulations shall be in effect with no other Sections of this Part applicable.

~~16)14)~~ Freeman Mine

Hunting regulations will be publicly announced.

~~17)15)~~ Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area

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and Powerton Lake

- A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than 3 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.
- C) Access to water blind sites must be by boat only and from designated boat launch sites.
- D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.
- E) Upon vacating blind sites, all hunters must report to the check station within one + hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to regular duck season until the close of the regular duck and Canada goose season. Powerton Lake shall be closed to boat traffic from 7 days prior to opening of regular duck season until February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the regular duck season.

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- H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
  - I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.
  - J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
  - K) Hunting is closed on Christmas Day and New Year's Day.
  - L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
  - M) It is unlawful to shoot across any dike.
  - N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes, waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.
- ~~18)16)~~ Horseshoe Lake (Alexander County) Public Hunting Area
- A) Closed to waterfowl hunting on Mondays and Tuesdays.
  - B) When duck season is closed, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- ~~19)17)~~ Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)
- 20) Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (site permit required)

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- ~~21)18)~~ Kaskaskia River Fish and Wildlife Area (only the last 3 days of duck season and the last 3 days of the regular Canada goose season) (1)
- A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.
  - B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.
  - C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.
  - D) All waterfowl hunters must register prior to hunting each day of the waterfowl season at the nearest check station, and must sign out and record their harvest daily before they exit the area.
  - E) The following regulations apply to the Doza Creek Waterfowl Management Area:
    - i) No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.
    - ii) Only waterfowl, coot, archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.
    - iii) For the first 4 days of the duck season, all waterfowl hunting must occur within 10 yards of an assigned, numbered stake, and only one hunting party may occupy a staked site at any given time. Starting on day 5 and for the remainder of the waterfowl season, hunting is allowed on a first come-first served basis and hunting need not occur by a stake. Waterfowl hunters must maintain a distance of 200 yards between hunting parties.

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- iv) A drawing for stake allocation will be done at the site office by mail no later than 4 weeks before the opening day of duck season. The application deadline and procedure will be publicly announced. Hunters who wish to hunt together at a staked location must register as a hunting party. Only 4 persons shall be in a hunting party. Only those persons in that party may hunt at the assigned stake. No later than 2 weeks prior to duck season, at least one person from each of the hunting parties drawn should appear at the site office to choose a staked site in the order that the hunting parties were drawn.
- F) Handicapped accessible waterfowl hunting blind (Dry Lake Access Area)
- i) Application for hunting dates should be received at the site office September 1-10 and will be allocated on a first request basis or via a drawing, if needed.
  - ii) Three hunters are allowed in the blind. At least one hunter must have a P-2 handicapped certification.
  - iii) Hunters must sign in/out and report harvest at check station after hunting.
- 22) Kickapoo State Recreation Area
- A) Hunting permitted only from staked sites. Sites will be allocated by daily drawing at the designated check in. Registration will be from 4:30 a.m. to 5:00 a.m. each day. The drawing will be held immediately after registration period.
  - B) Hunters must register and hunt as parties. No more than 4 hunters per party are permitted. Parties will select blind sites in the order they are drawn. No non-hunting partners.
  - C) Staked sites not selected during the drawing shall be allocated on a first come-first served basis.
  - D) Upon vacating their blinds, all hunters must take their completed

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harvest cards, issued daily on site, and place them in the collection box at the designated check station.

- E) Each hunting party must hunt over a minimum of 12 decoys.
- F) Waterfowl hunting is permitted only during the first 7 weekdays of the November portion of the Central Zone Canada goose season.
- G) Hunting from staked sites only. Hunting must be within 10 feet of the staked location. All hunting must be from one portable blind or one anchored boat blind. Electric motors only for all boats.
- H) Blind material must be brought in and taken out each day. No vegetation may be cut at the site.
- I) Hunting hours are from legal opening to 1:00 p.m. Hunters must be out of the field by 2:00 p.m.
- J) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, provided they include the blind change on the harvest card and report their harvest for each blind. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.

23)19) Kinkaid Lake Fish & Wildlife Area (1)

20) Lake Shelbyville (except for land/waters covered in subsection (b)(21) of this Section) (1)

24)21) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

- A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be

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allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply:

- i) All parties must hunt within 10 yards of their assigned stake.
  - ii) All parties must be in place by ½ hour before hunting time.
  - iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.
- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsections (b)(21)(A) and (B). Hunting in the Fish Hook Area shall be restricted to designated, staked sites on a first come-first served basis until the opening of the Illinois southern zone duck season, except as noted in subsections (b)(21)(A) and (B). A hunting party must hunt within 10 yards of the stake.
- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.
- E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.
- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.
- G) During the regular waterfowl season, only licensed waterfowl hunters with valid site waterfowl permits who are in the pursuit of waterfowl are permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from ½ hour before sunrise until 1:00 p.m.

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- H) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.

~~25)22)~~ Marshall State Fish and Wildlife Area – Duck Ranch Unit Only

- A) On days open to hunting, blind or staked sites shall be allocated by a random drawing held at Marshall State Fish and Wildlife Area (MSFWA) check station, 5 miles south of Lacon on S.R. 26. The drawing will be conducted 60 minutes prior to legal shooting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select hunting blinds in the order drawn. No more than 4 hunters per party; only registered party members shall be allowed to hunt in the party's blind.
- B) Blinds or staked sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant staked sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 11:00 a.m. Daily hunting hours will close at 1:00 p.m.
- C) All hunting must be from a designated blind or staked site. Refilling or changing blinds or staked sites is not permitted.
- D) Hunters are required to report their harvest at the end of the day's hunt on a harvest card located in the blind. Hunters are not required to report back to the MSFWA check station.
- E) No hunting on Monday, Wednesday, or Friday.

~~26)23)~~ Mernmet

- A) Waterfowl hunting shall be permitted only during the duck hunting season.
- B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to

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deposit their hunting licenses and register at the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds shall be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

- C) The daily drawing shall be held one hour prior to legal opening time.
- D) All members of the hunting party shall register as a group (not to exceed 4 persons per group, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide) for the purpose of the drawing.
- E) Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road.
- F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.
- G) Boats without motors may be used in the walk-in areas.
- H) No hunting Christmas Day, Sundays and Mondays in the blind area.
- I) Hunting hours are from legal opening to 12 noon.

~~27)24)~~ Newton Lake Fish and Wildlife Area

- A) Blind sites shall be allocated by a daily drawing to be conducted at 4:30 a.m. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct drawing) shall be allocated on a first come-first served basis until one hour before shooting time; and then after 9:00 a.m. All hunters must register

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before entering the hunting area.

- B) Upon vacating their blinds, all hunters must place their completed harvest cards in the collection box located at the boat ramp.
- C) There will be duly posted waterfowl refuges. These areas shall be closed to all boat traffic and boat fishing during the waterfowl season.
- D) No more than 4 persons shall occupy a blind at one time.
- E) The west arm of the lake shall be closed to all waterfowl hunting.
- F) Blind sites shall be determined by the Department of Natural Resources and marked with numbered stakes. When it is deemed necessary, the Department shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- G) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, providing they include the blind change on the harvest card and report their kill for each blind. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.
- H) Access to blind sites shall be by boat only and from the west side boat ramps.
- I) All hunting must be from one portable blind or one anchored portable boat blind located between the assigned numbered stakes, no more than 10 yards from shore.
- J) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- K) Blind site: A position between 2 like numbered stakes where a blind may be located.
- L) Fishing shall be prohibited in the east arm of the lake during the

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waterfowl season.

- M) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- N) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- O) This site is closed to all users except firearm deer hunters during the firearms deer seasons.

~~28)25)~~ Oakford Conservation Area (1)

~~29)26)~~ Pyramid State Park – Captain Unit (hunting regulations will be posted at the site)

~~30)27)~~ Pyramid State Park – Denmark Unit (hunting regulations will be posted at the site)

~~31)28)~~ Pyramid State Park – East Conant Unit (hunting regulations will be posted at the site)

~~32)29)~~ Pyramid State Park – Galum Unit (hunting regulations will be posted at the site)

~~33)30)~~ Ray Norbut State Fish and Wildlife Area (1)

Statewide season regulations apply except that the season closes December 15 in Eagle Roost Area, or the legal statewide closing, whichever is earlier.

~~34)31)~~ Rend Lake Project Lands and Waters

- A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, and during any goose season occurring after the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30

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a.m.

- B) No hunting permitted from the subimpoundment dams.
- C) While waterfowl hunting, no one may have in his/her possession any tool or device designed to cut brush or limbs, except common hunting knives and pocket knives.
- D) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
- E) All boat traffic is prohibited from entering the subimpoundments from one week before waterfowl season until opening day of waterfowl season.
- F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- G) Air boats will not be allowed in the Casey Fork Subimpoundment, the Big Muddy Subimpoundment, and the impoundments on Corps of Engineers' managed areas such as Atchison Creek and Gun Creek during the regular duck and Canada goose seasons. When ice conditions do not allow access at boat ramps by normal watercraft, then air boats can be used in the Casey Fork and Big Muddy Subimpoundments.
- ~~H)G)~~ Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:
  - i) During goose season, a separate drawing will be held for the pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.
  - ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.

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- iii) All hunters must have the registration card from the check station in their possession while hunting.
- iv) Hunters must occupy the pit they have drawn by legal shooting time. If a pit is not occupied by legal shooting time, another party who has registered at the check station may occupy the unclaimed pit.
- v) No more than 6 dozen decoys may be used per pit.
- vi) No more than 4 hunters will be allowed in a pit or hunting party.
- ~~JH~~ Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- ~~JH~~ During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.
- ~~KH~~ The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:
  - i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
  - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
  - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
  - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
  - v) Bounded on the north portion of the Casey Fork Creek by

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the Casey Fork Subimpoundment Dam.

- vi) Bounded on Nason Point by refuge boundary signs at project limits.

~~L)K)~~ After the close of regular duck season, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

~~M)L)~~ Staked Hunting Areas – Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:

- i) All hunting must occur within 10 yards of an assigned, numbered stake except for stakes identified at the check station where hunters may hunt from any place in the field in which the stake is located and only one hunting party may occupy a staked site at any given time.
- ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January. Check stations will be open from ½ hour before drawing time to 9:30 a.m. daily.
- iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.
- iv) Hunters arriving at the check station after the draw may enter the staked area only if it is one hour prior to shooting time or between 9:00 a.m. and 9:30 a.m. All hunters must

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register at the check station.

- v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come-first served basis. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.
- vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.
- vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.

~~35)32)~~ Saline County Conservation Area (1)

- A) Waterfowl hunting is allowed north of the township road only.
- B) Walk-in hunting only.
- C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.

~~36)33)~~ Sand Ridge State Forest (Sparks Pond Land and Water Reserve) (1)

- A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.
- B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.
- C) Hunters must report harvest to site office.

~~37)34)~~ Sanganois State Fish and Wildlife Area

- A) Hunters using the main walk-in hunting area from opening day of the Central Zone duck season through the first Sunday of the Central Zone duck season must have a permit issued from the site

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office. Procedures for issuance of permits will be publicly announced.

- B) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
- C) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
- D) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
- E) Topper's Hole is a walk-in area accessed by boat only, no check-in, check-out, no permanent blinds, hunting parties must stay at least 200 yards apart, hunting parties shall hunt over no less than 12 decoys, daily hunting hours are legal shooting hours through 1:00 p.m. CST.
- F) The Baker tract is a daily-draw walk-in area with 4 separate hunting compartments. One party of hunters (up to 4 hunters per party) will be permitted to hunt in each hunting compartment. The allocation of the 4 Baker tract hunting compartments will be by daily draw as part of the site's daily draw vacant blind allocation. Parties must register for the draw together on the same card.
- G) Upon the completion of hunting, hunters must report to the check station within one hour.
- H) Fishing is prohibited in the impoundment areas during the duck season, except that walk-in only access for fishing from the bank is permitted after 1:00 p.m.
- I) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
- J) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the

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waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.

- K) When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.
- L) No hunting permitted from the walk-in area subimpoundment levee.
- M) Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is prohibited.

~~38)35)~~ Sangchris Lake State Park

- A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.
- B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the Canada goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)
- C) During that portion of the light goose season which follows the regular Canada goose season, the west-side goose pit area blinds, subimpoundment blinds, and designated fields west of the west boat ramp shall be available daily on a first come-first served basis. Hunters must sign in at the appropriate parking area no earlier than 5 a.m.
- D) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the

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check station.

- E) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.
- F) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(34)(J)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.
- G) No more than 4 persons shall occupy a blind at one time.
- H) The center arm of the lake shall be closed to all waterfowl hunting.
- I) Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- J) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.
- K) Access to water blind sites shall be by boat only and from designated boat launch sites. Blinds on the peninsula subimpoundment shall be accessed on foot once the hunter has reached the peninsula by boat. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.
- L) All hunting must be from one portable blind or one anchored portable boat blind located within a numbered cove and between the assigned numbered stakes or from one Department designated blind or pit.
- M) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried

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while attempting to recover such birds.

- N) No unauthorized pits or blinds shall be built on State managed land.
- O) Blind sites: A position between 2 like numbered stakes within a cove or other Department designated site where a blind may be located.
- P) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 14 days prior to the duck season through the end of the duck season, unless the youth waterfowl hunt is more than 10 days before the regular duck season, then the east and west arms will be closed to accommodate the youth waterfowl hunt. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck season.
- Q) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt (except at peninsula subimpoundments where only Department decoys may be used).
- R) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.
- T) West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday, through the regular Canada goose season, except for the Tuesday and Wednesday preceding the last day of the Canada goose season.
- U) Hunters in the west-side goose pit area may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit after the close of the Central Zone duck season.

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- ~~39)36)~~ Shawnee National Forest, Upper and Lower Bluff Lakes
- Goose hunting is prohibited at Lower Bluff Lake.
- ~~40)37)~~ Shawnee National Forest, LaRue Scatters
- All hunting must be by walking in or in boats without motors.
- ~~41)38)~~ Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)
- A) All hunting must be by walking into the area.
  - B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
  - C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.
- ~~42)39)~~ Sielbeck Forest Natural Area (1)
- ~~43)40)~~ Stephen A. Forbes State Park
- A) On the main lake hunting is allowed from a boat blind only in the designated areas.
  - B) Only walk-in hunting is allowed in the subimpoundment.
  - C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.
- ~~44)41)~~ Ten Mile Creek Fish and Wildlife Area (1)
- A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.
  - B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
  - C) Areas designated as Rest Areas are closed to all access during the

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Canada Goose Season only. Rest Area designation has been given to that part of the Belle Rive unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.

- D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- ~~45)42)~~ Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (1)
- ~~46)43)~~ Union County (Firing Line Waterfowl Management Area)
- A) Blind sites shall be allocated on a daily draw basis at the site shop building 60 minutes prior to hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a blind site in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blinds not allocated during the drawing will not be hunted that day. Moving from blind to blind is not allowed.
- C) Access to blind sites is from Clear Creek Levee only.
- D) All hunting must be from assigned blinds or within 30 feet of the assigned, numbered, hunter stake site.
- E) Each hunting party must hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- F) Hunting hours end at 1:00 p.m. and all hunters must be out of the area by 2:00 p.m. Daily entry into the area is restricted until after the drawing for hunting sites.
- G) When duck season is closed, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

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(Source: Amended at 27 Ill. Reg. 15409, effective September 18, 2003)

**Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites**

- a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e)) with the following exceptions:
- 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (\*).
  - 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.
  - 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
  - 4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.
  - 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.
  - 6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.
  - 7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force.
  - 8) During goose seasons held after Canada goose season, statewide hunting hours apply.
- b) The following sites will be open ~~opened~~ to all goose hunting seasons:

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Blanding Wildlife Area @

Cache River Natural Area \*

Carlyle Lake Project Lands and Waters, including North Allen Branch Waterfowl Management Area (no early goose hunting east of Kaskaskia River from Cox's Bridge Access north to the Department's boundary line) \*

Chain O'Lakes State Park #

Chauncey Marsh (permit required, available at Red Hills State Park)

Des Plaines Conservation Area #

Dog Island Wildlife Management Area \*

Fort de Chartres Historic Site

Horseshoe Lake State Park (Madison County) (blind builders or partners must occupy their blinds by ½ hour before opening hunting hour each day in order to claim their blind for the day; attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest; the insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind ~~snow goose season closes February 28~~) # \*

Kaskaskia River State Fish and Wildlife Area (Baldwin Lake Waterfowl Rest Area is closed to hunting) \*

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except West Okaw and Kaskaskia Fish and Wildlife Area; season opens with teal season)

Marshall State Fish and Wildlife Area – Sparland and Duck Ranch Units @

Marshall State Fish and Wildlife Area – Spring Branch and Marshall Units \* @

Meredosia Lake

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Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26) (no hunting is allowed in the designated Batchtown Waterfowl Rest Area; blind builders or partners must occupy their blinds by ½ hour before opening hunting hour each day in order to claim their blind for the day; attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest; the insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind) @

Mississippi River Pools 16, 17, and 18 @

Mississippi River Pools 21, 22, and 24 @

Oakford Conservation Area

Rend Lake Project Lands and Waters @

Saline County Conservation Area \*

Sanganois State Fish and Wildlife Area \* @

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Shawnee Forest, Upper Bluff Lake

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area \*

Woodford Fish and Wildlife Area \* @

- c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada goose season  
~~Goose Season~~:

Anderson Lake (closed after regular duck season) \* @

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Clinton Lake State Recreation Area (hunting will be in designated walk-in areas only; boat blinds allowed where hunting will be within 50 yards of a staked site; free site permit required; no hunting within 200 yards of developed areas, construction zones and 300 yards of electrical power lines; no more than 4 persons per blind and a minimum of 12 decoys must be used)

Coffeen Lake State Fish and Wildlife Area (hunting north of County Road N6<sup>th</sup> only; no fishing north of County Road N6<sup>th</sup> during this season) \* #

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit; season opens with teal season)

Ray Norbut State Fish and Wildlife Area \*

Rice Lake (season opens with teal season; sunrise until 1:00 p.m.; closed after regular duck season) \* @

- d) The following sites will be ~~open~~ ~~opened~~ to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh \* @

Braidwood State Fish and Wildlife Area \*

Heidecke State Fish and Wildlife Area \*

Kankakee River State Park

Lake DePue Fish and Wildlife Area \*

Lake Sinnissippi Fish and Wildlife Area

Newton Lake Fish and Wildlife Area \*

Pekin Lake Fish and Wildlife Area

Spring Lake Fish and Wildlife Area (hunting from registered blinds or within 10 feet of staked blind sites is permitted after the close of the duck season) \*

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Starved Rock State Park \*

- e) The following sites will be ~~open~~ ~~opened~~ to any goose hunting seasons that occur after the regular Canada goose hunting season:

Clinton Lake State Recreation Area (season closes March 15)

Horseshoe Lake Conservation Area (controlled hunting and public hunting areas)  
\* @

Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit, West Open Unit, Quail Management Unit only)

Sangchris Lake State Park \*

Stephen A. Forbes State Park \*

~~Snakeden Hollow State Fish and Wildlife Area (from pits only) Snake Den Hollow~~ \* @

Union County Conservation Area (firing line and controlled hunting area) \* @

William W. Powers Conservation Area

- f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Campbell Pond Wildlife Management Area

Donnelley Fish and Wildlife Area

Mazonia State Fish and Wildlife Area \*

Mermet Lake Fish and Wildlife Area

Powerton Reservoir

Redwing Slough/Deer Lake

- g) The following sites will be open to any goose hunting seasons that occur before

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the regular duck season and after the regular Canada goose season:

Kidd Lake State Natural Area

- h) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 27 Ill. Reg. 15409, effective September 18, 2003)

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- 1) Heading of the Part: Illinois Architecture Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1150
- 3) Section Numbers:                      Adopted Action:  

1150.10	Amendment
1150.30	Amendment
1150.60	Amendment
1150.95	Amendment
- 4) Statutory Authority: Illinois Architecture Practice Act of 1989 [225 ILCS 305]
- 5) Effective Date of amendments: September 19, 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 material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: June 20, 2003, at 27 Ill. Reg. 9416.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: No substantive differences.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Obsolete language has been removed and other technical changes are being made in Section 1150.10. Section 1150.30 adds clarification for completing the application for licensure by examination. Section 1150.60 adds clarifying language for licensure by endorsement. Section 1150.95 is being amended to

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explain the process by which the Department will carry out emergency investigations from complaints involving structures which could cause imminent danger to the public.

16) Information and questions regarding this rulemaking shall be directed to:

Department of Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813 Fax: 217/782-7645

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1150  
ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

## Section

1150.10	Education Requirements and Diversified Professional Training Requirements
1150.20	Category II – Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990 (Repealed)
1150.30	Application for Licensure by Examination/Acceptance of Examination
1150.40	Examination
1150.50	Approved Architecture Programs
1150.60	Licensure by Endorsement
1150.65	Inactive Status
1150.70	Restoration
1150.75	Fees
1150.80	Professional Design Firm
1150.85	Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act
1150.90	Standards of Professional Conduct
1150.95	Architecture Complaint Committee
1150.100	Renewals
1150.105	Continuing Education Requirements
1150.110	Granting Variances
1150.APPENDIX A	Categories of Diversified Professional Training (Repealed)
1150.APPENDIX B	Historical Summary of Minimum Requirements to Qualify for Examination for Licensure as an Architect in Illinois
1150.APPENDIX C	Historical Summary of Examination Requirements
1150.ILLUSTRATION A	Architect Seal Requirements

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June

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15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19 Ill. Reg. 16066, effective November 17, 1995; amended at 20 Ill. Reg. 7873, effective May 30, 1996; amended at 21 Ill. Reg. 5928, effective April 24, 1997; amended at 22 Ill. Reg. 15324, effective August 10, 1998; amended at 24 Ill. Reg. 559, effective December 31, 1999; amended at 24 Ill. Reg. 13710, effective August 28, 2000; amended at 25 Ill. Reg. 1754, effective January 8, 2001; amended at 26 Ill. Reg. 4667, effective March 11, 2002; amended at 26 Ill. Reg. 16954, effective November 12, 2002; amended at 27 Ill. Reg. 15468, effective September 19, 2003.

**Section 1150.10 Education Requirements and Diversified Professional Training Requirements**

The education and diversified professional training required for examination for licensure under the Illinois Architecture Practice Act [225 ILCS 305] (the Act) are set forth in this Section. Applicants shall meet the requirements set forth in this Section.

- a) Education Requirements
  - 1) Applicants with a professional degree from a program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) not later than 2 years after termination of an applicant's enrollment, or with a professional degree in architecture from a Canadian university certified as accredited by CACB:
    - A) Bachelor of Architecture degree; or
    - B) Master of Architecture degree.
  - 2) Applicants with a degree from a program not accredited by the NAAB or CACB:
    - A) A pre-professional 4 year baccalaureate degree program in architecture approved by the Board in accordance with Section 1150.50 of this Part, which is accepted for direct entry into a professional Master of Architecture degree program accredited by the NAAB or the CACB; or

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- B) Completion of the education requirements as specified in the National Council of Architectural Registration Boards (NCARB) Education Standard. This includes the requirement that applicants with a degree from a program not accredited by the NAAB or the CACB must obtain an EESA-NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB. Applicants may request the report from the National Architectural Accrediting Board, 1735 New York Avenue, NW, 3rd Floor, Washington, D.C. 20006; phone (202) 783-2007; or [www.naab.org](http://www.naab.org).
- b) Diversified Professional Training Requirements
- 1) An applicant must complete the Intern Development Program (IDP) of the National Council of Architectural Registration Boards (NCARB), 1801 K Street, NW, Suite 1100, Washington, D.C. 20006-1310, as set forth in the NCARB IDP Guidelines (~~July 1, 2003 to June 30, 2004~~ ~~July 1, 2000 to June 30, 2001~~, no later additions or amendments included). (A copy of these Guidelines is available from the Department or NCARB.)
  - 2) To satisfy diversified professional training requirements, each applicant must acquire a minimum number of training units (TUs) based on the education requirements set forth in subsection (b)(3) below. One TU equals eight hours of acceptable activity. Acceptable activities and conditions affecting training are set forth in the IDP Guidelines.
  - 3) TUs shall be acquired in prescribed categories and areas and under requirements set forth in the NCARB IDP Training Requirements included in the IDP Guidelines. The required number of TUs will vary according to the following educational requirements:
    - A) Applicants who meet the educational requirements set forth in subsections (a)(1) and (a)(2)(B) shall complete 700 TUs pursuant to the IDP Training Requirement.
    - B) Applicants with a pre-professional 4 year baccalaureate degree set forth in subsection (a)(2)(A) shall complete 1170 TUs pursuant to the IDP Training Requirements where twice the listed minimum TUs required for each training category and area shall be acquired.

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- 4) The required minimums in IDP Training Categories A, B, C and D total 465 TUs for the education requirements set forth in subsections (a)(1) and (a)(2)(B) and 930 TUs for the education requirements set forth in subsection (a)(2)(A), allowing for the additional TUs to be acquired in any of the listed categories.
- 5) To satisfy the Illinois Diversified Professional Training requirements, an applicant must have satisfied the training requirements in accordance with the NCARB IDP Training Requirements and subsection (b)(3)(A) or (B). An applicant who has satisfied the training requirements is expected to have been exposed to the comprehensive practice of architecture. Accordingly, each applicant must demonstrate that his or her training has been sufficiently diversified as to include exposure to each of the training areas set forth in the IDP Training Requirement. (An applicant with the required number of TUs may nonetheless be denied approval of training if that training is not diversified.)
- 6) The training settings in which TUs may be acquired are set forth in the NCARB IDP Guidelines.
- 7) Program Requirements
  - A) No TUs may be earned prior to satisfactory completion of:
    - i) Three years in an NAAB-accredited professional degree program; or
    - ii) The third year of a 4 year pre-professional degree program in architecture accepted for direct entry to an NAAB-accredited professional master's degree program; or
    - iii) One year in an NAAB-accredited professional master's degree program following receipt of a non-professional undergraduate degree; or
    - iv) 96 semester credit hours as evaluated by Education Evaluation Services for Architects (EESA) in accordance with NCARB Education Standard of which no more than 60 hours can be in the general education category.

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- B) No experience used to meet education requirements described in subsection (a) of this Section may be used to earn TUs.
  - C) To earn TUs in IDP Training Settings A, B, C, D and E, an applicant must work at least 35 hours per week for a minimum period of 10 consecutive weeks or at least 20 hours per week for a minimum period of 6 consecutive months.
  - D) To earn TUs in IDP Training Setting F, the applicant must be employed on a full-time basis.
  - E) A "licensed architect" is a person licensed to practice architecture in the jurisdiction in which he or she practices.
  - F) A person practices as a "principal" by being:
    - i) A licensed architect; and
    - ii) The person in charge of the organization's architectural practice, either alone or with other licensed architects.
  - G) A person who has completed the education requirements, is actively participating in the diversified professional training and maintains in good standing a training record as required by this Section may use the title "architectural intern", but may not engage in the practice of architecture except to the extent that such practice is exempted from the requirement for licensure.
- 8) Explanation of Requirements
- A) TUs may be acquired only if the applicant meets the time requirements of Section 1150.10(b)(7)(C). Full TU credit is earned for acceptable full-time and part-time employment in the training settings described in Section 1150.10(b)(5).
  - B) No TUs may be acquired prior to meeting the requirements of Section 1150.10(b)(7)(A).
  - C) Applicants with a post-professional degree in architecture may

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qualify for TU credit as set forth in the IDP Guidelines.

- D) An applicant may earn TUs by completing Board-approved supplementary education programs. Supplementary education cannot be used to satisfy the minimum TU requirements. No TUs may be earned for supplementary education unless the applicant is employed in a recognized training setting (refer to IDP Guidelines). Credit for supplementary education activities may not exceed 235 TUs.
  - E) To satisfy Category A of the IDP Training Requirements, TUs (including TUs earned from supplementary education) in those categories must be acquired when employed in the training settings described in Section 1150.10(b)(6). A minimum of 235 TUs must be acquired in Training Setting A.
  - ~~F) In evaluating training, the Board may, prior to licensure, require substantiation of the quality and character of the training, notwithstanding the fact that the IDP applicant has complied with the technical training requirements set forth above.~~
  - ~~F)G)~~ For a detailed description of the IDP training categories, settings and conditions and supplementary education requirements, see IDP Guidelines.
- c) All applicants shall utilize NCARB to collect, evaluate and certify all training data and records required for compliance with this Part.
  - d) The verification of training shall be submitted to the Department at the time of application.
  - e) If the accuracy of any submitted documentation or the relevance or sufficiency of the training is questioned by the Department or the Architecture Licensing Board (the Board) because of discrepancies or conflicts in information, a need for additional information or clarification, the applicant will be requested to provide such information as is necessary.

(Source: Amended at 27 Ill. Reg. 15468, effective September 19, 2003)

**Section 1150.30 Application for Licensure by Examination/Acceptance of Examination**

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An applicant for licensure as an architect shall file an application on forms supplied by the Department. The application shall include:

- a) Proof of successful completion of the examination set forth in Section 1150.40;
- b) Proof of having completed the necessary education and training, as required by Section 1150.10.
  - 1) The proof shall be in the form of certifications of education completed by the school, college or university attended, and certification of completion of the training requirements.
  - 2) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense. Applicants shall obtain an EESA-NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB. Applicants may request the report from the National Architectural Accrediting Board, 1735 New York Avenue, NW, 3rd Floor, Washington, D.C. 20006; phone (202) 783-2007; or [www.naab.org](http://www.naab.org). The Board will review all transcripts and the comprehensive evaluation submitted to the Department to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20;
- c) A complete work history, on forms provided by the Department, indicating all professional architectural experience [since completion of the Diversified Professional Training Requirements set forth in Section 1150.10\(b\)](#);
- d) Certification from the jurisdiction of original licensure and certification from the jurisdiction of predominant active practice including the following, if the applicant has ever been licensed in another jurisdiction:
  - 1) The date of issuance of the applicant's license and the current status of such license;
  - 2) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant;
- e) A signed and dated affidavit attesting the applicant has read and understands the

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Act and this Part;

- f) The required fee; and
- g) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 for the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from an architectural program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the architectural program from which the applicant graduated was taught in English.

(Source: Amended at 27 Ill. Reg. 15468, effective September 19, 2003)

**Section 1150.60 Licensure by Endorsement**

- a) An applicant who holds an active license or registration to practice architecture under the laws of another state or territory and who desires to become licensed by endorsement shall file an application with the Department together with:
  - 1) Either:
    - A) Council Certification, issued by and forwarded directly to the Department by the NCARB; or
    - B) Other Proof of Qualifications and Licensure
      - i) Proof that the applicant has met requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by written examination in the other state or territory, including certification of education, and affidavits of training.
      - ii) A certification by the state or territory of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the date of issuance of the applicant's license and the current status of each license; the basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory

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and the date of passage of any such examinations; and whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant;

- 2) The required fee as set forth in Section 1150.75;
- 3) A complete work history since graduation from an architecture program;
- 4) A signed and dated affidavit attesting the applicant has read and understands the Act and this Part;

b) Applicants filing an application under subsection (a)(1)(B) are subject to the following requirements and provisions:

- 1)5) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense. Applicants shall obtain an EESA-NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB. Applicants may request the report from the National Architectural Accrediting Board, 1735 New York Avenue, NW, 3rd Floor, Washington, D.C. 20006; phone (202) 783-2007; or www.naab.org. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20; and
- 2)6) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 for the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from an architectural program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the architectural program from which the applicant graduated was taught in English.
- 3)b) The Department shall examine each endorsement application to determine whether the requirements in the state or territory of original or subsequent licensure were substantially equivalent to the requirements then in force in this State. The Department shall either issue a license by endorsement to

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the applicant or notify the applicant in writing of the reason for the denial of the application.

- ~~4)e)~~ The Department shall, in individual cases, upon recommendation of the Board, waive passage of one or more parts of the examination upon proof that the applicant has been lawfully engaged in the practice of architecture in another jurisdiction for a minimum of five years and has provided evidence demonstrating competence in the area or areas of the examination being considered for waiver (i.e., architectural education, training and experience). If an applicant has previously failed to pass a part or parts of the examination, the applicant shall not be granted a waiver for ~~that the~~ part or parts pursuant to this provision.
- ~~c)d)~~ When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 27 Ill. Reg. 15468, effective September 19, 2003)

**Section 1150.95 Architecture Complaint Committee**

- a) The Architecture Complaint Committee of the Architecture Licensing Board, authorized by Sections 10 and 24 of the Act, shall be composed of at least 2 members of the Architecture Licensing Board, a Supervisor over Design Investigations and a Chief of Prosecutions over Design Prosecutions. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee.
- b) The Complaint Committee shall meet at least once every 2 months to exercise its functions and duties set forth in subsection (c) below. The Complaint Committee may meet concurrently with the Complaint Committees of the Land Surveyors Examining Board, the State Board of Professional Engineers and the Structural Engineering Board to discuss interrelated professional matters. The Complaint

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Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.

- c) The Complaint Committee shall have the following duties and functions:
  - 1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis for licensure denial which begins the formal proceedings.
  - 2) To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.
  - 3) To recommend that a case file be closed.
  - 4) To recommend that an Administrative Warning Letter be issued and the case file closed.
  - 5) To refer the case file to Prosecutions for review and action.
  - 6) To report the actions of the Complaint Committee at each Board meeting and to present enforcement statistics such as the type of alleged violation.
- d) In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.
- e) At any time after referral to Prosecutions, the Department may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past

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practices of the Department.

- f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Architecture Licensing Board. Those case files that previously have been before the Board and are the subject of a Consent Order or Formal Order of the Director may be closed without further recommendation or approval of the Architecture Licensing Board or the Complaint Committee.
- g) Complaints Involving Imminent Danger to the Public
- 1) When a complaint is made to the Department that alleges that a building, or other structure that requires the involvement of an architect in its design, is under construction, construction is imminent, or construction has been completed, and an architect is not or was not involved in its design, the investigation of that complaint shall be expedited to ensure the health and safety of the public. This investigation will be referred to as an "Emergency Investigation".
  - 2) An Emergency Investigation will be given priority attention and assigned to an investigator as soon as possible.
  - 3) Once assigned to an investigator, the Department, through its investigator, will convene a meeting of the Complaint Committee by teleconference to determine if the complaint shall continue to be treated as an Emergency Investigation. Such meetings will be deemed an emergency and notice of the meeting shall be provided in accordance with the Open Meetings Act.
  - 4) Upon determination by the Complaint Committee that the complaint should be treated as an Emergency Investigation, the complaint will be investigated as soon as possible.
  - 5) Upon completion of the Emergency Investigation, the investigator will again convene a meeting of the Complaint Committee by teleconference. This meeting shall also be considered an emergency and notice of the meeting shall be provided in accordance with the Open Meetings Act. The Complaint Committee will then decide whether to recommend to the Department that the complaint be referred to the Attorney General to seek a temporary restraining order and permanent injunction against the start or further construction of the project or, where the project has already been

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completed, to enjoin the use of the building or structure. The Complaint Committee will recommend that the case be referred to the Attorney General only upon a finding that the facts alleged in the complaint are credible and constitute an imminent danger to the public.

~~h)~~g) Disqualification of an Architecture Licensing Board member.

- 1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.
- 2) Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.

~~i)~~h) An informal conference is the procedure established by the Department that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences shall be conducted by a Department attorney and shall include a ~~member or members~~member(s) of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

(Source: Amended at 27 Ill. Reg. 15468, effective September 19, 2003)

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- 1) Heading of the Part: Professional Counselor and Clinical Professional Counselor Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1375
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1375.30	Amendment
1375.40	Amendment
1375.50	Amendment
1375.60	Amendment
1375.70	Amendment
1375.80	Amendment
1375.120	Amendment
1375.130	Amendment
1375.140	Amendment
1375.150	Amendment
1375.160	Amendment
1375.170	Amendment
1375.200	Amendment
1375.220	Amendment
1375.225	Amendment
1375.APPENDIX B	New Section
- 4) Statutory Authority: Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]
- 5) Effective date of amendments: September 19, 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 material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: June 6, 2003, at 27 Ill. Reg. 8961
- 10) Has JCAR issued a Statement of Objection to these amendments? No

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- 11) Difference between proposal and final version: Various nonsubstantive technical changes and clarifications have been made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: P.A. 92-719, effective July 25, 2002, is the sunset reauthorization of the Professional Counselor and Clinical Professional Counselor Licensing Act; this rulemaking implements its provisions. It revises the educational requirements for licensure as a professional counselor and provides specific continuing education requirements in clinical supervision for clinical professional counselors. Section 1375. Appendix B is added to clarify the history of the education, experience and examination required for licensed professional counselors and licensed clinical professional counselors. Obsolete language has also been removed and other technical changes are being made.
- 16) Information and questions regarding this rulemaking shall be directed to:

Department of Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813 Fax #: 217/782-7645

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1375  
PROFESSIONAL COUNSELOR AND CLINICAL PROFESSIONAL  
COUNSELOR LICENSING ACT

## SUBPART A: LICENSED PROFESSIONAL COUNSELOR

## Section

- 1375.10 Temporary License as a Professional Counselor (Repealed)
- 1375.20 How to Obtain a Permanent License as a Professional Counselor After Receiving a Temporary License (Repealed)
- 1375.30 Application for Examination/Permanent Licensure as a Professional Counselor
- 1375.40 Professional Experience for Licensure as a Professional Counselor after December 31, 1998
- 1375.50 Approved Professional Counseling Programs
- 1375.60 Examination – Professional Counselor
- 1375.70 Endorsement – Professional Counselor
- 1375.80 Restoration – Professional Counselor

## SUBPART B: LICENSED CLINICAL PROFESSIONAL COUNSELOR

## Section

- 1375.100 Temporary License as a Clinical Professional Counselor (Repealed)
- 1375.110 How to Obtain a Permanent License as a Clinical Professional Counselor After Receiving a Temporary License (Repealed)
- 1375.120 Application for Examination/Permanent Licensure as a Clinical Professional Counselor
- 1375.130 Professional Experience for Licensure as a Clinical Professional Counselor Beginning January 1, 1999
- 1375.135 Clinical Professional Counselor Licenses for Clinical Psychologists and Clinical Social Workers
- 1375.140 Approved Clinical Professional Counseling Programs
- 1375.150 Examination – Clinical Professional Counselor
- 1375.160 Endorsement – Clinical Professional Counselor
- 1375.170 Restoration – Clinical Professional Counselor

## SUBPART C: GENERAL

## DEPARTMENT OF PROFESSIONAL REGULATION

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## Section

1375.200	Renewals
1375.205	Fees
1375.210	Inactive Status
1375.220	Continuing Education
1375.225	Unprofessional Conduct
1375.230	Granting Variances

137.APPENDIX A Course Descriptions

137.APPENDIX B Education, Experience and Examination History

AUTHORITY: Implementing the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 18 Ill. Reg. 18018, effective December 12, 1994; amended at 22 Ill. Reg. 8460, effective May 4, 1998; amended at 24 Ill. Reg. 7335, effective May 1, 2000; emergency amendment at 26 Ill. Reg. 18488, effective December 16, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 5848, effective March 24, 2003; amended at 27 Ill. Reg. 15483, effective September 19, 2003.

## SUBPART A: LICENSED PROFESSIONAL COUNSELOR

**Section 1375.30 Application for Examination/Permanent Licensure as a Professional Counselor**

- a) Each applicant seeking original licensure under Section 35 of the Act shall file an application with the Department, on forms provided by the Department, at least 90 days prior to an examination date. The application shall include:
  - 1) For individuals who graduated or who were enrolled in a program prior to January 1, 1999 (these individuals ~~who~~ have until January 1, 2003 to complete the educational requirements set forth in Section 1375.50(a); otherwise, the applicant will be required to meet the educational requirements set forth in Section 1375.50(b)):
    - A) Certification of education from a master's or doctoral degree program in counseling, psychology or rehabilitation counseling from a college, university or school recognized by the educational

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governing authority in the jurisdiction in which it is located, or certification of graduation and a transcript from a similar master's or doctoral degree program approved by the Department in accordance with Section 1375.50**(b)(a)** of this Part; or

- B) Certification of a baccalaureate degree from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located and 5 years of full time satisfactory supervised experience as a professional counselor subsequent to the degree in accordance with Section 1375.40 of this Part. However, experience earned prior to January 1, 1999 shall meet the following requirements:
- i) An applicant shall document a total of 8400 clock hours of experience. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.
  - ii) The supervisor shall document the experience as satisfactory or better.
  - iii) Supervised work experience, for purposes of this Section, shall entail services to individuals, couples, groups, families and organizations in any one or more of the fields of professional counseling defined in Section 10 of the Act.
  - iv) Qualified supervisors are those individuals who, at the time of supervision, were master's level or doctoral level counselors (such as, but not limited to, licensed or registered marriage and family therapists, registered art therapists, pastoral counselors, school counselors, school social workers, school psychologists, certified rehabilitation counselors), certified social workers or licensed clinical social workers, licensed clinical psychologists or licensed/registered psychologists, psychiatrists defined in Section 1-121 of the Mental Health and Developmental Disabilities Code or licensed clinical professional counselors.

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- v) An applicant may substitute, one time only, 15 semester hours or equivalent quarter hours of graduate courses related to counseling for one year of satisfactory supervised training.
  - vi) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.
- 2) Beginning January 1, 1999:
- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.50(b)(a) of this Part; or
  - B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree program approved by the Department in accordance with Section 1375.50(b) of this Part and documentation of completion of 5 years of supervised professional experience subsequent to the degree in accordance with Section 1375.40 of this Part.
- 3) Beginning January 1, 2005:
- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.50(c) of this Part; or
  - B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree program approved by the Department in accordance with Section 1375.50(c) of this Part and documentation of completion of 5 years of supervised professional experience subsequent to the degree in accordance with Section 1375.40 of this Part.
- 4)3) A complete work history since receipt of a qualifying degree for licensure

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(baccalaureate, master's or doctorate degree).

~~5)4)~~ The required fee set forth in Section 1375.205~~Section 60 of the Act~~.

~~6)5)~~ Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;

B) A description of the examination in that jurisdiction; and

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

~~b)~~ Any individual who applies for a professional counselor license after January 1, 2008 shall meet the educational requirements set forth in Section 1375.50(c) (48 semester hours and 1 course in each area).

~~c)b)~~ Individuals applying for licensure as a professional counselor may submit one of the following certifications (based on examination), in lieu of the documents required in subsections ~~subsection~~ (a)(1) and (2):

1) Commission on Rehabilitation Counselor Certification (CRC)

2) National~~Nationally~~ Certified Counselors (NCC)

An applicant submitting one of the certifications listed above will not be required to take and pass an additional examination administered by the Department. The Department, upon recommendation of the Board, has determined that the education and examination requirements are equivalent to the requirements for licensure as a professional counselor.

~~d)e)~~ The Department, upon recommendation of the Board, has determined that the educational requirements of the following certifications meet the standards for an applicant to sit for the examination:

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- ~~1)~~ ~~Illinois Alcohol and Other Drug Abuse Professional Certification Association, Inc. at the master's level (Certified Master AODA Counselor) (IODAPCA) level~~
- ~~1)2)~~ Clinical Member of the American Association of Marriage and Family Therapy (AAMFT);
- ~~2)3)~~ Type 73 certificate issued by the Illinois State Board of Education as a ~~School Psychologist~~, School Counselor if the holder of the certificate has graduated from a Council for Accreditation of Counseling and Related Educational Programs (CACREP) school counseling program or meets the educational standards set forth in Section 1375.50, School Psychologist or School Social Worker;
- ~~3)4)~~ Fellow or Diplomate of the American Association of Pastoral Counselors (AAPC);

An applicant who holds certification in any of the above groups needs to submit a copy of a certification in lieu of the documents required in subsections (a)(1) and (2) ~~above~~. ~~All After December 31, 1998 all~~ certifications accepted by the Department shall be current.

- ~~e)4)~~ When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- ~~f)e)~~ If an applicant has taken and passed the examination in accordance with Section 1375.50, the applicant shall file an application in accordance with subsection (a) above and shall have the examination scores submitted to the Department directly from the testing entity or from the state of original licensure.

(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

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**Section 1375.40 Professional Experience for Licensure as a Professional Counselor after December 31, 1998**

- a) Persons applying for licensure as professional counselors after December 31, 1998, who hold a baccalaureate degree in human services or similar degree program that meets the requirements set forth in Section 1375.50, shall be required to complete 5 years of satisfactory supervised professional experience as follows:
- 1) One year of experience shall be a maximum of 1680 clock hours obtained in not less than 48 weeks. A total of 8400 clock hours is required. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.
  - 2) 15 semester hours or equivalent quarter hours of graduate courses related to counseling may be substituted one time for one year of work experience.
  - 3) Supervised experience shall be experience obtained under a qualified supervisor and entail the provision of services to individuals, couples, groups, families and organizations in any one or more of the fields of professional counseling defined in Section 10 of the Act.
  - 4) A qualified supervisor means any person who is a licensed clinical professional counselor, licensed clinical social worker, licensed clinical psychologist, or psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code. If supervision took place outside Illinois, the supervisor shall be a master's level or doctoral level counselor engaged in clinical professional counseling. The supervisor shall hold a license if the jurisdiction in which the supervisor practices requires licensure.
  - 5) The supervisor shall have met with the applicant at least one hour each week.
  - 6) The experience shall have been evaluated by the supervisor as satisfactory or better.

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- 7) The supervisor may be provided at the applicant's place of work or may be hired by the applicant to provide supervision.
- 8) The counseling activities must be performed pursuant to the supervisor's order, control, oversight, guidance and full professional responsibility.
- b) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.
- c) A person holding a master's degree or doctorate in the field of counseling, rehabilitation counseling, psychology or similar degree program shall not be required to document experience to qualify for licensure as a professional counselor.

(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

**Section 1375.50 Approved Professional Counseling Programs**

- a) The Department shall approve similar degree programs (baccalaureate, master's, doctoral degree), on or before December 31, 1998, utilizing the following criteria:
  - 1) The program shall be located in a college, university or school recognized by the education accrediting authority in the jurisdiction in which it is located.
  - 2) The program shall require an individual to complete a minimum of 30 semester hours or equivalent quarter hours in any of the following 13 core areas described in more detail in Appendix A of this Part:
    - A) Human Growth and Development and Maladaptive Behavior
    - B) Counseling Theory
    - C) Counseling Techniques
    - D) Group Dynamics, Processing and Counseling
    - E) Appraisal of Individuals

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- F) Research and Evaluation
  - G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
  - H) Social and Cultural Foundations
  - I) Lifestyle and Career Development
  - J) Practicum
  - K) Counseling Education
  - L) Counseling Supervision
  - M) Counseling Administration.
- b) Beginning January 1, 1999, the Department shall, upon the recommendation of the Professional Counselor Examining and Disciplinary Board, approve baccalaureate programs in human services or similar degree programs at the baccalaureate level or counseling, rehabilitation counseling, psychology, or similar degree programs at the master's or doctoral level if they meet the following requirements:
- 1) The institution is a regionally accredited institution of higher education,
  - 2) The program, wherever it may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling, psychology or similar programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors or the institution grants a baccalaureate human services degree,
  - 3) The program is an organizational entity within the institution,
  - 4) The program has an integrated, organized sequence of study at least 2 academic years in length and must require an individual to complete a minimum of 48 semester hours or equivalent quarter hours with a course in at least 10 of the 16 core areas listed below:

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- A) Human Growth and Development
  - B) Counseling Theory
  - C) Counseling Techniques
  - D) Group Dynamics, Processing and Counseling
  - E) Appraisal of Individuals
  - F) Research and Evaluation
  - G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
  - H) Social and Cultural Foundations
  - I) Lifestyle and Career Development
  - J) Practicum
  - K) Counseling Education
  - L) Counseling Supervision
  - M) Counseling Administration
  - N) Family Dynamics
  - O) Psychopathology and Maladaptive Behavior
  - P) Substance Abuse,
- 5) The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled,
  - 6) The program has an identifiable body of students who are matriculated in that program for a degree,

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- 7) The program has a one year residence. Residence requires interaction with faculty and other matriculated students. One year's residence is defined as 24 semester hours taken on a full-time or part-time basis at the institution accumulated within the time frame and course of study of the program.

c) Beginning January 1, 2005, the Department shall, upon the recommendation of the Professional Counselor Examining and Disciplinary Board, approve baccalaureate programs in human services or similar degree programs at the baccalaureate level, or counseling, rehabilitation counseling, psychology, or similar degree programs at the master's or doctoral level, if they meet the following requirements:

- 1) The institution is a regionally accredited institution of higher education;
- 2) The program, wherever it may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling, psychology or similar programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors or that the institution grants a baccalaureate human services degree;
- 3) The program is an organizational entity within the institution;
- 4) The program has an integrated, organized sequence of study at least 2 academic years in length and requires an individual to complete a minimum of 48 semester hours or equivalent quarter hours with a minimum of one course in each of the following areas (described in more detail in Appendix A of this Part):
  - A) Human Growth and Development
  - B) Counseling Theory
  - C) Counseling Techniques
  - D) Group Dynamics, Processing and Counseling
  - E) Appraisal of Individuals

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- F) Research and Evaluation
  - G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
  - H) Social and Cultural Foundations
  - I) Lifestyle and Career Development
  - J) Practicum/Internship
  - K) Psychopathology and Maladaptive Behavior
  - L) Substance Abuse
  - M) Family Dynamics;
  - 5) The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled;
  - 6) The program has an identifiable body of students who are matriculated in that program for a degree;
  - 7) The program has a one year residence. Residence requires interaction with faculty and other matriculated students. One year's residence is defined as 24 semester hours taken on a full-time or part-time basis at the institution, accumulated within the time frame and course of study of the program.
- d)e) Reevaluation of an Approved Program
- 1) The Department may reevaluate any approved program at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of this Section or that the Department's decision to approve a program was based upon false, deceptive or incomplete information.
  - 2) A program whose approval is being reevaluated by the Department shall be given at least 15 days written notice prior to any recommendation by

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the Board and may either submit written comments or request a hearing before the Board.

- ~~e)~~ For the purposes of this Section, course shall be defined as an integrated, organized course of study which encompasses a minimum of one school semester or equivalent hours. No workshops, student designed courses, independent study courses or correspondence courses may be used to satisfy the core courses.
- ~~f)~~ The Department, upon recommendation of the Board, has determined that all master's degree and doctoral programs in professional counseling that are accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) and the Council on Rehabilitation Education (CORE) are approved. All doctoral programs in psychology of the American Psychological Association or the Council for the National Register of Health Service Providers in Psychology are approved.
- ~~g)~~ Individual Program Requirements
- 1) Individuals applying for licensure as a professional counselor who have not graduated from a program approved by the Department shall submit their transcripts and program materials to the Department for evaluation by the Board to determine if they meet the requirements of this Section.
  - 2) Individuals applying for licensure who are deficient in any of the core content areas in subsection (b)(4) above may complete any of these courses in a counseling, rehabilitation counseling, psychology or similar degree program from an accredited institution. The applicant will be required to submit proof to the Department that he/she has passed such a course(s). Proof may include, but not be limited to, transcripts, curriculum and course materials.
  - 3) Individuals who are admitted to a degree program prior to January 1, 1999 have until January 1, 2003 to meet the educational requirements set forth in subsection (a) of this Section. After that date the applicant will be required to meet the curriculum requirements set forth in subsection (b) of this Section.
  - 4) After January 1, 2008, all applicants will be required to meet the curriculum requirements set forth in subsection (c) of this Section.

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(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

**Section 1375.60 Examination – Professional Counselor**

- a) The examination administered by the Department for licensure as a professional counselor shall be the National Counselor Examination (NCE) of the National Board for Certified Counselors (NBCC). The passing score on the examination shall be the passing score established by the testing entity.
- ~~b) The passing score on the examination shall be the passing score established by the testing entity.~~
- ~~b)e)~~ The Department also shall accept passage of the Certified Rehabilitation Counselor Examination of the Commission on Rehabilitation Counselor Certification (CRCC) ~~and the National Clinical Mental Health Counselor Examination (NMHCE)~~. The passing scores on the examinations shall be the passing scores established by the testing entity.
- ~~c)d)~~ The Department shall accept the National Counseling Examination (NCE) taken and passed, according to Department standards, in Illinois or in another jurisdiction.

(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

**Section 1375.70 Endorsement – Professional Counselor**

- a) Each applicant seeking licensure under Section 70 of the Act shall file an application with the Department on forms provided by the Department. The application shall include:
  - ~~1) Through December 31, 1998:~~
    - ~~A) Certification of education from a master's or doctoral degree program in counseling, psychology or rehabilitation counseling from a college, university or school recognized by the educational accrediting authority in the jurisdiction in which it is located, or certification of education and a transcript from a similar master's or doctoral degree program approved by the Department in accordance with Section 1375.50(a) of this Part; or~~
    - ~~B) Certification of a baccalaureate degree from a college, university or school recognized by the educational accrediting authority in the~~

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~~jurisdiction in which it is located and 5 years of full time satisfactory supervised experience as a professional counselor as defined in Section 1375.30(a)(1)(B).~~

- ~~1)2)~~ Beginning January 1, 1999:
- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.50**(b)(a)** of this Part; or
  - B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree program approved by the Department in accordance with Section 1375.50 of this Part and documentation of completion of 5 years of supervised professional experience in accordance with Section 1375.40 of this Part.
- 2) Beginning January 1, 2005:
- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.50(c) of this Part; or
  - B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree program approved by the Department in accordance with Section 1375.50(c) of this Part and documentation of completion of 5 years of supervised professional experience in accordance with Section 1375.40 of this Part.
- 3) A complete work history since receipt of a qualifying degree for licensing (a baccalaureate, master's or doctorate degree).
- 4) Successful completion of the professional counselor examination set forth in Section 1375.60 of this Part.
- 5) The required fee set forth in Section 1375.205~~Section 60(a) of the Act.~~

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- 6) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
  - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
  - B) A description of the examination in that jurisdiction; and
  - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

**Section 1375.80 Restoration – Professional Counselor**

- a) Any professional counselor whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by [Section 1375.205](#)~~Section 60(e) of the Act~~. Individuals restoring after March 31, 1999 will be required to submit proof of having met the continuing education requirements pursuant to Section 1375.220.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department together with the fee required by [Section 1375.205](#)~~Section 60(d) of the Act~~. Individuals restoring after March 31, 1999 will be required to

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submit proof of having met the continuing education requirements pursuant to Section 1375.220. The applicant shall also submit either:

- 1) Certification of active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
  - 2) An affidavit attesting to military service as provided in Section 60(d) of the Act; or
  - 3) Proof of passage of the National Counselor Examination (NCE) or the Certified Rehabilitation Counselor Examination during the period the license was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be required to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Department, an applicant shall have the license restored.

(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

## SUBPART B: LICENSED CLINICAL PROFESSIONAL COUNSELOR

**Section 1375.120 Application for Examination/Permanent Licensure as a Clinical Professional Counselor**

- a) Each applicant seeking original licensure under Section 35 of the Act shall file an application with the Department, on forms provided by the Department, at least 90 days prior to an examination date. The application shall include:
  - 1) For individuals who graduated or who were enrolled in a program prior to

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January 1, 1999 (~~these~~ individuals ~~who~~ have until January 1, 2003 to complete the educational requirements set forth in Section 1375.140(a); otherwise, the applicant will be required to meet the educational requirements set forth in Section 1375.140(b)):

A) Either:

- i) Certification of education from a master's degree program in counseling, rehabilitation counseling or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located, or certification of education and an official transcript from a similar master's degree program as defined in Section 1375.140(a) of this Part. Individuals who have completed experience prior to January 1, 1999 may complete the equivalent of 2 units of acceptable experience (2 years full-time satisfactory supervised employment working as a ~~clinical professional~~ counselor in a professional capacity under the direction of a qualified supervisor as defined in subsection (a)(1)(B) ~~below~~ or 4 years working as a ~~clinical professional~~ counselor in a professional capacity independent of the direction of a qualified supervisor subsequent to the degree or a combination of supervised experience and independent experience). All experience obtained beginning January 1, 1999 shall meet the experience requirements set forth in Section 1375.130; or
- ii) Certification of education or an official transcript from a doctoral degree program in counseling, rehabilitation counseling, or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140(a) of this Part. Individuals who have completed experience prior to January 1, 1999 may complete the equivalent of 2 units of acceptable experience (2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor or 4 years working as a clinical professional counselor

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independent of the direction of a qualified supervisor, as defined in subsection (a)(1)(B) ~~below~~ or a combination of supervised experience and independent experience). All experience obtained beginning January 1, 1999 shall meet the experience requirements set forth in Section 1375.130.

B) Experience earned prior to January 1, 1999 shall be documented as follows:

- i) Certification of experience signed by the applicant's supervisor. A qualified supervisor for purposes of this subsection (a)(1)(B)(i) is defined as any person who is a master's level or doctoral level counselor (such as, but not limited to, registered art therapist, licensed or registered marriage and family therapist, school counselor, school social worker, school psychologist, certified rehabilitation counselor at the master's level, pastoral counselor), a licensed clinical professional counselor, certified social worker or licensed clinical social worker, licensed/registered clinical psychologist, or psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code; or
- ii) Three affidavits from the applicant's colleagues, consultants and supervisors who are familiar with the applicant's work.

One year of experience shall be a maximum of 1680 clock hours obtained in not less than 48 weeks. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.

2) For individuals who graduated on or after January 1, 1999:

- A) Certification of education or an official transcript from a master's degree program in counseling, rehabilitation counseling, or psychology from a regionally accredited college, school or university or similar degree program as defined in Section 1375.140(b) of this Part and completion of the equivalent of 2 years full-time satisfactory supervised employment or experience working as a clinical professional counselor under the direction of

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a qualified supervisor, subsequent to the degree, as defined in Section 1375.130 of this Part; or

- B) Certification of education or an official transcript from a doctoral degree program in counseling, rehabilitation counseling, or psychology from a regionally accredited college, school or university or similar degree program as defined in Section 1375.140(b) of this Part and completion of the equivalent of 2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor, as defined in Section 10 of the Act, at least one year of which is subsequent to the degree.
- 3) A complete work history since receipt of the first qualifying degree (master's or doctoral degree).
- 4) The fee required in ~~Section 1375.205~~ Section 60(a) of the Act.
- 5) Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
  - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
  - B) A description of the examination in that jurisdiction; and
  - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) The Department, upon recommendation of the Board, has determined that individuals who hold the certification of a Certified Clinical Mental Health Counselor (CCMHC) based on examination meet the education, experience and examination requirements for licensure as a Clinical Professional Counselor.
- e) ~~The Department, upon recommendation of the Board, has determined that, prior to January 1, 1999, individuals who hold a Certified Master AODA Counselor (CMADC) certification from the Illinois Alcohol and Other Drug Abuse~~

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~~Professional Certification Association (IODAPCA) meet the education and experience requirements to be eligible to sit for the examination. An applicant shall submit a CMADC certification from IODAPCA in lieu of the documents required in subsections (a)(1) and (2). Applicants will be required to pass the examination set forth in Section 1375.150. After December 31, 1998 individuals shall be required to submit certification of education and experience as set forth in subsection (a)(2) above.~~

~~c)d)~~ The Department, upon recommendation of the Board, has determined that the individuals who hold a certification from the following groups meet the education requirements to be eligible to sit for the examination.

- 1) Clinical Member of the American Association for Marriage and Family Therapy (AAMFT);
- 2) Fellow or Diplomate of the American Association of Pastoral Counselors (AAPC);
- 3) Type 73 certificate issued by the Illinois State Board of Education as a School Counselor, if the holder of the certificate has graduated from a CACREP school counseling program or meets the educational standards set forth in Section 1375.50, Clinical School Social Worker or School Psychologist.

An applicant shall submit a current certification from one of the above entities. The applicant shall submit certification of education and proof of experience and pass the examination set forth in Section 1375.150.

~~d)e)~~ The Department, upon recommendation of the Board, has determined that individuals who received their Certified Rehabilitation Counselor (CRC) certification after January 1992 have been determined to meet the education and examination requirements. Individuals who received a CRC certificate before 1992 will be required to submit a transcript pursuant to Section 1375.150 in order to evaluate educational requirements. All applicants holding a current CRC certificate shall submit proof of experience.

~~e)f)~~ An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.

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- ~~f)g)~~ When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- ~~g)h)~~ If an applicant has taken and passed the examinations in accordance with Section 1375.150, the applicant shall file an application in accordance with subsection (a) above and shall have the examination scores submitted to the Department directly from the testing entity or from the state of original licensure.

(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

**Section 1375.130 Professional Experience for Licensure as a Clinical Professional Counselor Beginning January 1, 1999**

Beginning January 1, 1999 professional counseling experience shall be obtained as set forth below:

- a) A person holding a master's degree in counseling, rehabilitation counseling, psychology or similar degree program shall have completed the equivalent of 2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor subsequent to the degree.
- b) A person holding a doctorate in counseling, rehabilitation counseling, psychology or similar degree program shall have completed the equivalent of 2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor at least one year of which is subsequent to the degree. Internships may count toward professional experience.
- c) A qualified supervisor means any person who is a licensed clinical professional

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counselor, licensed clinical social worker, licensed clinical psychologist, or psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code. If supervision took place outside Illinois, the supervisor shall be a master's level or doctoral level counselor engaged in clinical professional counseling. The supervisor shall hold a license if the jurisdiction in which the supervisor practices requires licensure.

- d) One year of experience shall be a maximum of 1680 clock hours obtained in not less than ~~5248~~ weeks including 960 clock hours of direct face to face service to clients. Part time experience shall be counted toward the experience requirement.
- e) For purposes of this Section, supervised experience shall be experience obtained under a qualified supervisor as defined in Section 10 of the Act and entail the provision of professional counseling and mental health services defined in Section 10 of the Act.
  - 1) The supervisor shall have met with the applicant at least one hour each week. The supervision means the review of counseling and case management.
  - 2) The experience shall have been evaluated by the supervisor as satisfactory or better.
- f) Face to face supervision does not include mail, telefax, phone or other such electronic devices.
- g) Acceptable modes for supervision of direct client contact are as follows:
  - 1) Individual supervision: the supervisory session is conducted by an approved supervisor with one or two counselors present.
  - 2) Group supervision: the supervisory session is conducted by an approved supervisor with no more than 5 counselors present.
- h) The counseling activities must be performed pursuant to the supervisor's order, control, oversight, guidance and full professional responsibility.
- i) A qualified supervisor may be provided at the applicant's place of work or may be hired by the applicant to provide supervision.

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- j) The following activities are not acceptable clinical supervision:
- 1) Peer supervision.
  - 2) Administrative supervision. For example, clinical practice performed under administrative rather than clinical supervision of an institutional director or executive.
  - 3) A primarily didactic process wherein techniques or procedures are taught in a classroom, workshop or seminar.
  - 4) Consultation, staff development, or orientation to a field or program, or role-playing of family interrelationships as a substitute for current clinical practice in an appropriate clinical situation.
- k) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.
- l) When providing clinical professional counseling services as set forth in Section 10 of the Act (in the independent practice of clinical professional counseling work), a licensed clinical professional counselor shall always operate and represent himself/herself as an employee of the independent practice and may not work as an independent contractor as defined by Internal Revenue Service regulations.

(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

**Section 1375.140 Approved Clinical Professional Counseling Programs**

- a) On or before December 31, 1998, the Department, upon recommendation of the Board, shall approve similar degree programs that meet the following requirements:
- 1) Master's degrees shall be from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located. Doctoral degrees shall be accredited by an accrediting agency recognized by the U.S. Department of Education.

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- 2) The program shall be 2 academic years and shall require an individual to complete a minimum of 30 semester hours or equivalent hours in any of the following 10 core areas:
  - A) Human Growth and Development and Maladaptive Behavior
  - B) Counseling Theory
  - C) Counseling Techniques
  - D) Group Dynamics, Processing and Counseling
  - E) Appraisal of Individuals
  - F) Research and Evaluation
  - G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
  - H) Social and Cultural Foundations
  - I) Lifestyle and Career Development
  - J) Practicum
- b) Beginning January 1, 1999 the Department shall, upon the recommendation of the Professional Counselor Examining and Disciplinary Board, approve counseling, rehabilitation counseling, psychology or similar degree programs at the master's or doctoral level if the program meets the following requirements:
  - 1) The institution is a regionally accredited institution of higher education. Doctoral degrees shall be accredited by an accrediting agency recognized by the U.S. Department of Education.
  - 2) The programs, wherever they may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling or psychology programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors.

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- 3) The program is an organizational entity within the institution.
- 4) The program has an integrated, organized sequence of study.
- 5) The program must be 2 academic years in length and require an individual to complete a minimum of 48 semester hours or equivalent quarter hours with a minimum of one course in each of the following areas described in more detail in Appendix A of this Part:
  - A) Human Growth and Development
  - B) Counseling Theory
  - C) Counseling Techniques
  - D) Group Dynamics, Processing and Counseling
  - E) Appraisal of Individuals
  - F) Research and Evaluation
  - G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
  - H) Social and Cultural Foundations
  - I) Lifestyle and Career Development
  - J) Practicum/Internship
  - ~~K)~~ Psychopathology and Maladaptive Behavior |
  - ~~L)~~ ~~K)~~ Substance Abuse |
  - ~~L)~~ ~~Maladaptive Behavior and Psychopathology~~ |
  - M) Family Dynamics.
- 6) The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational

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obligations to the student are fulfilled. The faculty must have degrees in their area(s) of teaching from professional colleges and institutions.

- 7) The program has an identifiable body of students who are matriculated in that program for a degree.
  - 8) The program has a one year residence. Residence requires interaction with faculty and other matriculated students. One year's residence is defined as 24 semester hours taken on a full-time or part-time basis at the institution accumulated within the time frame and course of study of the program.
- c) Reevaluation of an Approved Program
- 1) The Department may reevaluate any approved program at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of this Section or that its decision was based upon false, deceptive or incomplete information.
  - 2) A program whose approval is being reevaluated by the Committee shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.
- d) For the purposes of this Section, course shall be defined as an integrated, organized course of study that encompasses a minimum of one school semester or equivalent hours. No student designed courses, independent study courses, workshops or correspondence courses may be used to satisfy the core courses.
- e) The Department, upon recommendation of the Board, has determined that all master's degree and doctoral programs in professional counseling that are accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP), the Council on Rehabilitation Education (CORE) and doctoral programs in psychology approved by the American Psychological Association and the Council for the National Registry of Health Service Providers are approved programs.
- f) Individual Program Requirements
- 1) Individuals applying for licensure as a clinical professional counselor who

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have not graduated from a master's or doctoral program approved by the Department shall submit their transcripts and program materials to the Department for evaluation by the Board to determine if they meet the requirements of this Section.

- 2) Individuals applying for licensure above who are deficient in any of the content areas set forth in subsection (b)(5) of this Section may complete any deficiencies in an approved counseling, rehabilitation counseling or psychology program. The applicant will be required to submit proof to the Department that he or she has passed such a course(s) and/or the experience. Proof shall include, but not be limited to, curriculum, practicum, and program materials, internship handbook and course materials.
- 3) Individuals who are admitted to a degree program prior to January 1, 1999 have until January 1, 2003 to meet the educational requirements set forth in subsection (a) of this Section. After that date the applicant will be required to meet the curriculum requirements set forth in subsection (b) of this Section.

(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

**Section 1375.150 Examination – Clinical Professional Counselor**

- a) ~~Prior to January 1, 1999 the examination for licensure as a clinical professional counselor shall be the National Clinical Mental Health Counseling Examination (NCMHCE).~~
- b) ~~The~~After December 31, 1998 the examination for licensure as a clinical professional counselor shall be the National Counseling Examination (NCE~~the Examination~~) of the National Board for Clinical Counselors (NBCC) and the National Clinical Mental Health Counseling Examination (NCMHCE) or the Examination of Clinical Counselor Practice (ECCP).
- b)e) The passing score on the examination shall be the passing score established by the testing entity.
- c)d) The Department also shall accept passage of the Certified Rehabilitation Counselor Examination of the Commission on Rehabilitation Counselor Certification (CRCC).

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(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

**Section 1375.160 Endorsement – Clinical Professional Counselor**

- a) Each applicant seeking licensure as a clinical professional counselor under Section 70 of the Act shall file an application with the Department on forms provided by the Department. The application shall include:
  - 1) For individuals who graduated prior to January 1, 1999:
    - A) Certification of education from a master's degree in counseling, rehabilitation counseling or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located, or certification of education and an official transcript from a similar master's degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 units of acceptable experience (2 years full-time satisfactory supervised employment working as a clinical professional counselor under the direction of a qualified supervisor or 4 years working as a clinical professional counselor independent of the direction of a qualified supervisor, subsequent to the degree, as defined in Section 1375.120(a)(1)(B)(i) of this Part) or a combination of the supervised experience and independent experience. Experience earned on or after January 1, 1999 shall meet the requirements set forth in Section 1375.130; or
    - B) Certification of education and an official transcript from a doctoral degree program in counseling, rehabilitation counseling, psychology or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 units of acceptable experience (2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor or 4 years working as a clinical professional counselor independent of the direction of a qualified supervisor, as defined in Section 1375.120(a)(1)(B)(i) or a combination of the supervised experience and independent experience. Experience earned on or after January 1, 1999 shall meet the requirements set forth in Section 1375.130.
  - 2) Applicants who graduated on or after January 1, 1999:

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- A) Certification of education and an official transcript from a master's degree program in counseling, ~~or~~ rehabilitation counseling, or psychology from a college, university or school regionally accredited by the educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 years full-time satisfactory supervised employment or experience working as a clinical professional counselor under the direction of a qualified supervisor, subsequent to the degree, as defined in Section 1375.130 of this Part; or
- B) Certification of education and an official transcript from a doctoral degree program in counseling, rehabilitation counseling, or psychology from a college, university or school regionally accredited by the educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor, as defined in Section 10 of the Act, at least one year of which is subsequent to the degree.
- 3) Beginning January 1, 2005:
- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.140(b) of this Part; or
- B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree program approved by the Department in accordance with Section 1375.140(b) of this Part and documentation of completion of 5 years of supervised professional experience in accordance with Section 1375.130 of this Part.
- 4)3) A complete work history since receipt of the master's or doctorate degree.
- 5)4) Successful completion of the examinations in accordance with Section

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1375.150 of this Part.

~~6)5)~~ The required fee set forth in Section 1375.205~~Section 60(l) of the Act.~~

~~7)6)~~ Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
- B) A description of the examination in that jurisdiction; and
- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

- b) The Department, upon recommendation of the Professional Counselor Licensing and Disciplinary Board (the Board), shall issue a license if a review of the application indicates that the applicant meets all the requirements of this Part and the Act.

(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

**Section 1375.170 Restoration – Clinical Professional Counselor**

- a) Any clinical professional counselor whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1375.205 and submitting~~Section 60(e) of the Act. Individuals restoring after March 31, 1999 will be required to submit~~ proof of having met the continuing education requirements pursuant to Section 1375.220. Continuing education must be completed during the 24 months preceding application for restoration.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee required by Section 1375.205 and submitting~~Section 60(d) of the Act. Individuals restoring after March 31, 1999 will be required to submit~~ proof of having met the continuing education

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requirements pursuant to Section 1375.220. Continuing education must be completed during the 24 months preceding application for restoration. The applicant shall also submit either:

- 1) Certification of active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
  - 2) An affidavit attesting to military service as provided in Section 60(d) of the Act; or
  - 3) Proof of passage of the Certified Rehabilitation Counselor (CRC) examination or the Certified Clinical Mental Health Counselor (CCMHC) examination during the period the license was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be required to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Department, an applicant shall have the license restored.

(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

## SUBPART C: GENERAL

**Section 1375.200 Renewals**

- a) ~~Every~~The first renewal period for licensure under the Act shall be March 31, 1997. Thereafter, every license issued under the Act shall expire on March 31 of odd numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the fee set forth in Section 1375.205 and completing Section 60(d) of the Act. For the March 31, 1999

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~~renewal, a licensee will be required to complete 12 hours of continuing education in accordance with Section 1375.220. Beginning with the March 31, 2001 renewal and every renewal thereafter, in order to renew a license, a licensee shall be required to complete~~ 30 hours of continuing education in accordance with Section 1375.220.

- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 80 of the Act.

(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

**Section 1375.220 Continuing Education**

- a) Continuing Education Hours Requirements
  - 1) ~~For the March 31, 1999 renewal a licensee will be required to complete 12 hours of continuing education.~~ Beginning with the March 31, 2001 renewal and every renewal thereafter, in order to renew a license, a licensee shall be required to complete 30 hours of continuing education. Subsequent to March 31, 2007, all clinical professional counselors are required to complete 18 hours in clinical supervision of the 30 continuing education hours required.
  - 2) A prerenewal period is the 24 months preceding March 31 of each odd-numbered year.
  - 3) CE requirements shall be the same for licensed professional counselors and licensed clinical professional counselors.
  - 4) One CE hour shall equal one clock hour of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.
  - 5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.

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- 6) Professional counselors or clinical professional counselors licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
  - 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- b) Approved Continuing Education (CE)
- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) ~~below~~, except for those activities provided in subsections (b)(2), (3) and (4) ~~below~~.
  - 2) A maximum of ~~1540~~ CE credits per ~~renewal~~~~prerenewal~~ period may be earned for completion of a correspondence course that is offered by an approved sponsor who meets the requirements set forth in subsection (c) below. Each correspondence course shall include an examination.
  - 3) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of professional counseling related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
  - 4) CE credit may be earned for verified teaching in the field of counseling in an accredited college, university or graduate school and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program). A maximum of 10 hours of CE credit may be obtained in this category per prerenewal period.
  - 5) CE credit may be earned for authoring papers, publications, dissertations or books and for preparing presentations and exhibits in the field of

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counseling. The preparation of each published paper, book chapter or professional presentation dealing with professional counseling or clinical professional counseling may be claimed as 5 hours of credit. A presentation must be before an audience of professional counselors. Five credit hours may be claimed for only the first time the information is published or presented.

- 6) A maximum of 8 hours of CE credit may be earned per renewal period for supervision ~~which is~~ received or provided on a regular basis with a set agenda. ~~Supervision credit may be not earned for supervision provided to others.~~ Supervision shall be documented with a letter from the supervisor indicating the start and end dates in which the supervision occurred, the site where supervision was provided, the number of hours of participation and the name and license number of the supervisor. The letter shall be signed by the supervisor and the supervisee.
- 7) A maximum of 6 hours of CE credit may be earned per renewal period for leadership activities. Such activities include, but are not limited to, officer of a state or national counseling organization; editor of a professional counseling journal; member of a national counselor certification board; member of a national ethics disciplinary review committee; chair of a major counseling conference or convention; active member of a counseling committee producing a substantial written product. The leadership shall be documented in a letter of confirmation on the organization's letterhead and shall include the start and end dates of leadership, the name of the organization and the position held.

c) Approved CE Sponsors and Programs

- 1) Sponsor, as used in this Section, shall mean:
  - A) National Board for Certified Counselors or its affiliates;
  - B) American Counseling Association or its affiliates;
  - C) Commission on Rehabilitation Counselor or its affiliates;
  - D) American Association for Marriage and Family Therapy or its affiliates;

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- E) Employee Assistance Professional Association (EAPA) and Employee Assistance Society of North America (EASNA) or its affiliates;
  - F) Social Work Continuing Education Sponsors approved by the Department in accordance with the rules for the administration of Clinical Social Work and Social Work Practice Act [225 ILCS 20], 68 Ill. Adm. Code 1470.95;
  - G) American Psychological Association or its affiliates; and
  - H) Any other accredited school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department pursuant to subsection (c)(2) of this Section to coordinate and present continuing education courses and programs.
- 2) An entity seeking approval as a CE sponsor pursuant to subsection (c)(1)(H) shall submit an application, on forms supplied by the Department, along with thea \$500 application fee set forth in Section 1375.205. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:
- A) Certification:
    - i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
    - ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
    - iii) That, upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is

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necessary to ensure compliance;

- B) A copy of a sample program with faculty, course materials and syllabi.
- 3) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of professional counseling or clinical professional counseling;
  - B) Foster the enhancement of general or specialized counseling or clinical counseling practice and values;
  - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - D) Specify the course objectives, course content and teaching methods to be used; and
  - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established

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by the Act and this Part, including the maintenance of records.

- 6) All programs given by approved sponsors shall be open to all licensed professional counselors and licensed clinical professional counselors and not be limited to members of a single organization or group.
- 7) To maintain approval as a sponsor pursuant to subsection (c)(2)-~~above~~, each shall submit to the Department by March 30 of each odd-numbered year a renewal application, the fee set forth in Section 1375.205-a \$250 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.
- 8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
  - A) The name, address and license number of the sponsor;
  - B) The name and address of the participant;
  - C) A brief statement of the subject matter;
  - D) The number of hours attended in each program;
  - E) The date and place of the program; and
  - F) The signature of the sponsor or person responsible for the CE program.
- 9) The sponsor shall maintain attendance records for not less than 5 years.
- 10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 11) Upon the failure of a sponsor to comply with any of the requirements of this Section, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department

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receives assurances of compliance with this Section.

- 12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
    - 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.
    - 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
    - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
  - e) Continuing Education Earned in Other Jurisdictions
    - 1) If a licensee has earned or is seeking CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or ~~within prior to~~ 90 days after expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
    - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$50 per CE hour late fee not to exceed \$300. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in

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subsection (c)(3) of this Section.

- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 13(4) and (5) of the Act.
- g) Waiver of CE Requirements
  - 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 13(3) of the Act, a statement setting forth the facts concerning noncompliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds, from such affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
  - 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
    - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
    - B) An incapacitating illness documented by a statement from a currently licensed physician;
    - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
    - D) Any other similar extenuating circumstances.
  - 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

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(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

**Section 1375.225 Unprofessional Conduct**

The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of unethical, unauthorized, or unprofessional conduct within the meaning of Section 80 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:

- a) Counseling Relationships
  - 1) Practicing, condoning, facilitating or collaborating with any form of discrimination. The counselor shall act to prevent and eliminate discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.
  - 2) Engaging in any action that violates or diminishes the civil or legal rights of clients.
  - 3) Engaging in the sexual exploitation of clients, students or supervisees.
  - 4) Engaging in or condoning sexual harassment, which ~~that~~ is defined as deliberate or repeated comments, gestures or physical contacts of a sexual nature.
  - 5) Bringing personal or professional biases into the counseling relationship. Through an awareness of the impact of stereotyping and discrimination (i.e., biases based on age, disability, ethnicity, gender, religion, or sexual preference), counselors guard the individual rights and personal dignity of the client in the counseling relationship.
  - 6) Engaging in any type of sexual intimacies with clients. Counselors shall not provide counseling services to persons with whom they have had a sexual relationship.
  - 7) Engaging in sexual intimacies with former clients prior to two years after termination of the counselor/client relationship.

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- 8) Failing to offer all pertinent facts regarding services rendered to the client prior to administration of professional services. The purpose of informed consent is to insure a client's complete access to information pertaining to professional services. Examples include, but are not limited to, fees for services, length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly encouraged.
- b) Confidentiality
- 1) Failing to inform clients at the onset of the counseling relationship of the limits of confidentiality. These limitations include, but are not limited to: limitations mandated by the law, the clear and immediate danger to oneself or others, when the counselor is a defendant in a civil, criminal or disciplinary action arising from the counseling.
  - 2) Revealing facts, data or information relating to a client or examinee, except as allowed under Section 75 of the Act or under the Mental Health and Developmental Disabilities Confidentiality Act or any other federal or State laws pertaining to confidentiality.
  - 3) Failing to take appropriate steps to protect the privacy of a client and avoid unnecessary disclosures of confidential information. The right to privacy belongs to clients and may be waived. A written waiver shall be signed by the client and the information revealed shall be in accordance with the terms of the waiver.
- c) Scope of Practice/Professional Responsibility
- 1) Performing, or pretending to be able to perform, professional services beyond one's scope of practice and one's competency.
  - 2) Failing to refer an individual with whom the counselor has a relationship.
  - 3) Failing to inform clients of the use of all experimental methods of treatment; the safety precautions shall be adhered to by the counselor.
  - 4) Failing to establish and maintain client records and case notes.
  - 5) Advertising shall not be deceptive, misleading or false. Counselors should

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claim or imply only professional credentials possessed and are responsible for correcting any misrepresentations of their credentials by others. Professional credentials include highest relevant degrees, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, professional membership, or any other credential that might indicate to the public specialized knowledge or expertise in professional counseling.

- 6) Submission of fraudulent claims for services to any person or entity including, but not limited to, health insurance companies or health service plans or third party payors.
  - 7) Knowingly providing services to a client when the counselor's ability to practice is impaired. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems; offering professional services when the counselor's personal problems or conflicts may harm a client or others.
- d) Supervision
- 1) Permitting a trainee or intern under his/her supervision or control to perform, or permitting the trainee or intern to hold himself or herself out as competent to perform, professional services beyond the trainee's or intern's level of education, training and/or experience.
  - 2) Allowing a trainee to violate the rights of clients, permitting a trainee to violate confidentiality standards, or failing to ensure that the client is informed that he/she is being treated by a trainee.
  - 3) Participating in any form of sexual contact with supervisees. Dual relationships with supervisees that might impair the supervisor's objectivity and professional judgement should be avoided and/or the supervisory relationship terminated.
- e) Evaluation, Assessment and Interpretation

Different tests demand different levels of competence for administration, scoring and interpretation. Members must have the appropriate education and training for each specific test and recognize the limits of their competence and perform only those functions for which they are prepared. In particular, members using

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computer-based test interpretations must be trained in the concept being measured and the specific instrument being used prior to using this type of computer application.

- f) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits.
- g) The Department hereby incorporates by reference "The American Counseling Association Code of Ethics and Standards of Practice", April 1995, approved by the American Counseling Association, 5999 Stevenson Avenue, Alexandria, Virginia 22304, with no later amendments or editions.

(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

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**Section 1375.APPENDIX B Education, Experience and Examination History**

- a) Licensed Professional Counselor  
Through December 31, 1998:
- 1) Certification of education from a master's or doctoral degree program in counseling, psychology or rehabilitation counseling from a college, university or school recognized by the educational accrediting authority in the jurisdiction in which it is located, or certification of education and a transcript from a similar master's or doctoral degree program approved by the Department in accordance with Section 1375.50(a) of this Part; or
  - 2) Certification of a baccalaureate degree from a college, university or school recognized by the educational accrediting authority in the jurisdiction in which it is located and 5 years of full time satisfactory supervised experience as a professional counselor as defined in Section 1375.30(a)(1)(B).
- b) Licensed Clinical Professional Counselor  
Prior to January 1, 1999, the examination for licensure as a clinical professional counselor shall be the National Clinical Mental Health Counseling Examination (NCMHCE).

(Source: Amended at 27 Ill. Reg. 15483, effective September 19, 2003)

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- 1) Heading of the Part: The Illinois Speech-Language Pathology and Audiology Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1465
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1465.20	Amendment
1465.30	Amendment
1465.35	Amendment
1465.40	Amendment
1465.45	New Section
1465.60	Amendment
1465.70	Amendment
1465.75	Amendment
1465.80	Amendment
1465.85	Amendment
1465.95	Amendment
- 4) Statutory Authority: Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].
- 5) Effective Date of Amendments: September 19, 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 material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: May 2, 2003, at 27 Ill. Reg. 7562.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Various non-substantive technical changes have been made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking brings rules for licensure of speech-language pathology assistants into conformity with Public Act 92-0510. Section 1465.45 has been added to clarify that an individual licensed as a speech-language pathology assistant must abide by Illinois law regardless of employment setting. The requirements for licensure as a speech-language pathology assistant are provided. Criteria necessary to become an approved speech-language pathology assistant program are also provided. Supervision is defined for students in speech-language pathology and audiology programs. It also sets forth the provisions for licensure under endorsement as a speech-language pathologist assistant. Continuing education and restoration requirements for speech-language pathologist assistants are also provided.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Department of Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813 Fax: 217/782-7645

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

## DEPARTMENT OF PROFESSIONAL REGULATION

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

## PART 1465

## THE ILLINOIS SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY PRACTICE ACT

## Section

1465.10	Application for Licensure Under Section 7 of the Act (Repealed)
1465.20	Approved Programs
1465.30	Professional Experience
1465.35	Supervision
1465.36	Evaluation and Management Related to Speech-Language Pathology and Audiology
1465.40	Application for Licensure
<u>1465.45</u>	<u>Jurisdiction</u>
1465.50	Examination
1465.60	Endorsement
1465.70	Renewal
1465.75	Fees
1465.80	Restoration
1465.85	Continuing Education
1465.90	Granting Variances
1465.95	Professional Conduct Standards

AUTHORITY: Implementing the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Emergency rules adopted at 13 Ill. Reg. 1616, effective January 20, 1989, for a maximum of 150 days; emergency expired June 19, 1989; adopted at 13 Ill. Reg. 13882, effective August 22, 1989; amended at 18 Ill. Reg. 12794, effective August 4, 1994; amended at 19 Ill. Reg. 11477, effective July 28, 1995; emergency amendment at 21 Ill. Reg. 11785, effective August 7, 1997, for a maximum of 150 days; emergency expired January 3, 1998; amended at 22 Ill. Reg. 3879, effective February 5, 1998; amended at 22 Ill. Reg. 21978, effective December 1, 1998; amended at 27 Ill. Reg. 15530, effective September 19, 2003.

**Section 1465.20 Approved Programs**

- a) The Department of Professional Regulation (the Department) shall approve a

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speech-language pathology or audiology program if it meets the following minimum criteria:

- 1) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the appropriate degree.
- 2) The institution has a faculty that consists of a sufficient number of full-time instructors to ensure educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas area(s) of teaching from professional colleges or institutions.
- 3) The program director must be trained and hold a master's or doctoral degree in speech-language pathology, in audiology or in speech and hearing science.
- 4) The institution has an integrated curriculum plan that includes at least the following subject areas in professional education (60 semester hours required):
  - A) Basic Communication Processes
    - i) Anatomic and physiological bases
    - ii) Physical bases and processes of the production and perception of speech, language and hearing
    - iii) Linguistic and psycholinguistic variables related to normal development and use of speech, language and hearing
  - B) Speech-Language Pathology/Audiology
    - i) Speech and language disorders
    - ii) Audiology
    - iii) Auditory pathology
    - iv) Auditory habilitation/rehabilitation

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- 5) The institution has a clinical practicum that provides students with 350 hours of clinical experience supervised by a licensed speech-language pathologist or audiologist or a person who is ASHA certified or certified in audiology by the American Board of Audiology. The experience shall take place in at least 2 clinical settings (i.e., academic program, school setting, medical facility, community clinics).

b) The Department shall approve a speech-language pathology assistant program if it meets the following minimum criteria:

- 1) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the appropriate degree.
- 2) The institution has a faculty that consists of a sufficient number of full-time instructors to ensure educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from professional colleges or institutions.
- 3) The program director must be trained and hold a master's or doctoral degree in speech-language pathology, in audiology or in speech and hearing science.
- 4) The institution has an integrated curriculum plan that includes at least the following:
  - A) 36 semester credit hours or its equivalent in general education;
  - B) 24 semester credit hours or its equivalent in the following technical content areas:
    - i) an overview of normal processes of communication as relates to hearing, speech and language;
    - ii) an overview of communication disorders as relates to hearing, speech and language;
    - iii) instruction in speech-language pathology assistant-level service delivery practices, including basic audiometric screening;



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- 4) 15-19 hours per week over 18 months;
  - 5) Less than 15 hours per week will not fulfill professional experience requirements;
- b) Shall include direct client contact in at least 36 supervised activities, including but not limited to assessment/diagnosis/evaluation, screening, habilitation/rehabilitation and activities related to client management as it pertains to the practice of speech-language pathology or audiology as defined in Section 3 of the Act;
- 1) At least 18 of the 36 activities shall be on-site observations by the supervisor. One hour equals one on-site observation; no more than 6 hours can be accrued in one day.
  - 2) The other supervised activities may be accomplished through correspondence and include conferences, evaluation of written reports or evaluations by professional colleagues;
- c) Shall be part of an evaluation and therapy program located in a school, clinic, hospital, community hospital or other equivalent settings (e.g., nursing homes);
- d) Shall be supervised by a licensed speech-language pathologist or licensed audiologist. For persons who obtain supervised experience in states or territories of the United States where licensure is not required, the supervisor may be a person who holds certification from the American Speech-Language-Hearing Association or the American Board of Audiology. The supervisor shall be responsible for direct and personal contact, and for monitoring, improving, ~~and~~ evaluating and documenting the performance of the individual who is under his/her supervision; and
- e) Shall begin after completion of the course work and clinical practicum education to meet the requirements for the master's or doctoral degree. In lieu of meeting the requirements set forth in subsections (a) through ~~(d) (e) above~~, the Department shall accept a Certificate of Clinical Competence letter of verification from the American Speech-Language-Hearing Association or certification from the American Board of Audiology that the applicant has completed the Clinical Fellowship ~~Year~~ required for certification as a speech-language pathologist or audiologist.

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(Source: Amended at 27 Ill. Reg. 15530, effective September 19, 2003)

**Section 1465.35 Supervision**

- a) Pursuant to Section 3.5(a) of the Act, supervision of students in speech-language pathology and audiology programs means that the supervisor is on-site (but not necessarily in the same room as the student) whenever the student is performing practices normally done by a licensed speech-language pathologist or audiologist. Supervision of students requires that direct supervision must be done no less than 25% of the time for treatment and ~~25%~~50% of the time for diagnostics. The supervisor is directly responsible to the client for all actions of that student. For purposes of this Part, direct supervision means on site, in view of the supervisor. This Part does not apply to students in speech-language pathology assistant programs.
- b) ~~Supervision requirements will vary depending on the qualifications of an appropriately trained person pursuant to Section 3.5(b) of the Act. 1) If a person has completed the academic and practicum work for a master's or doctoral degree in speech-language pathology or audiology and (regardless of whether the individual is in the process of completing the equivalent of 9 months of supervised professional experience for his/her initial license, or whether the individual has finished that experience and is waiting for his/her application for licensure to be processed), the supervision shall meet the requirements set forth in Section 1465.30(d).~~
- 2) ~~If a person has completed a training course other than that culminating in a master's degree and if that individual is not exempt pursuant to Section 3.5(a), (c), (d) or (e):~~
- A) ~~Evaluation services as defined in Section 1465.36 shall not be performed except that screening for purposes of identification may be performed by appropriately trained persons. Screening for purposes of this Section means a pass/refer procedure to identify individuals who require further audiologic or speech-language assessment;~~
- B) ~~Management services, as defined in Section 1465.36, must be supervised as follows:~~

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- ~~i) The treatment plan shall be developed by the supervisor;~~
  - ~~ii) During the first 90 workdays of providing treatment services, at least 30% of the patient/client contact shall be directly supervised by the licensed speech language pathologist or audiologist;~~
  - ~~iii) Subsequent to the first 90 workdays, at least 20% of the patient/client contact shall be under direct supervision by the licensed speech language pathologist or audiologist; and~~
  - ~~iv) Documentation shall be generated by the supervisor to verify the work of the supervisee. Copies of the report shall be kept by the supervisor and the supervisee.~~
- c) Pursuant to Section 8.8 of the Act, a speech-language pathology assistant shall:
- 1) Practice only under the supervision of a licensed speech-language pathologist who has at least 2 years experience in addition to the supervised professional experience required under Section 8(f) of the Act. A speech-language pathologist who supervises a speech-language pathology assistant must have completed at least 10 clock hours of training in the supervision of speech-language pathology assistants.
    - A) The supervision training requirement shall be satisfied by completion of 10 hours of continuing education as defined in Section 1465.85(b).
    - B) Documentation of prior supervisory experience may be submitted to the Board with a request for its acceptance in lieu of the supervision training requirement. The Board retains the discretion to approve or deny the request.
  - 2) Be under the direct supervision of a licensed speech-language pathologist at least 30% of the speech-language pathology assistant's actual patient or client contact time per patient or client on a weekly basis during the first 90 days of initial employment as a speech-language pathology assistant. Thereafter, a speech-language pathology assistant must be under the direct supervision of a licensed speech-language pathologist at least 20% of the

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speech-language pathology assistant's actual patient or client contact time per patient or client on a weekly basis. Supervision of a speech-language pathology assistant beyond the minimum requirements of this subsection (c)(2) may be imposed at the discretion of the supervising speech-language pathologist. A supervising speech-language pathologist must be available to communicate with a speech-language pathology assistant whenever the assistant is in contact with a patient or client.

A) A speech-language pathologist who supervises a speech-language pathology assistant must document direct supervision activities. At a minimum, supervision documentation must provide:

- i) information regarding the quality of the speech-language pathology assistant's performance of assigned duties; and
- ii) verification that clinical activity is limited to duties specified in Section 8.7 of the Act.

B) A full-time speech-language pathologist may supervise no more than 2 speech-language pathology assistants. A speech-language pathologist who does not work full-time may supervise no more than one speech-language pathology assistant.

For purposes of this subsection (c), "direct supervision" means on-site, in-view observation and guidance by a speech-language pathologist while an assigned activity is performed by the speech-language pathology assistant.

(Source: Amended at 27 Ill. Reg. 15530, effective September 19, 2003)

**Section 1465.40 Application for Licensure**

- a) Each applicant for a speech-language pathology or audiology license shall file an application with the Department, on forms provided by the Department. The application shall include:
  - 1) Certification, on forms provided by the Department, of a master's or doctoral degree from a program approved by the Department in accordance with Section 1465.20(a);
  - 2) Passage of the National Examination Examinations-in Speech-Language

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Pathology and/or Audiology (NESPA) set forth in Section 1465.50 or certification from the American Speech-Language-Hearing Association or from the American Board of Audiology pursuant to Section 8(e) of the Act. Exam scores shall be submitted directly to the Department from the testing service;

- 3) Certification, on forms provided by the Department, of completion of the equivalent of 9 months of full-time supervised professional experience as set forth in Section 1465.30 of this Part;
  - 4) A complete work history since completion of a master's or doctoral degree program; and
  - 5) The required fee as set forth in Section 1465.75 ~~1465.75(a)~~ of this Part.
- b) The Department, upon recommendation of the Board, will accept a Certificate of Clinical Competence in Speech-Language Pathology or Audiology awarded by the American Speech-Language-Hearing Association's Clinical Certification Board or certification in audiology from the American Board of Audiology, in lieu of the documents required in subsections (a)(2) and (3) ~~above~~.
- c) Each applicant for a speech-language pathology assistant license shall file an application with the Department on forms provided by the Department. The application shall include:
- 1) Certification, on forms provided by the Department, of completion of an associate's degree from a speech-language pathology assistant program approved by the Department in accordance with Section 1465.20(b);
  - 2) A complete work history since completion of an associate's degree program; and
  - 3) The required fee as set forth in Section 1465.75 of this Part.
- d) Until January 1, 2004, the Department, upon recommendation of the Board, will accept an application for license as a speech-language pathology assistant by a person holding a bachelor's degree in communication disorders who was employed to assist a speech-language pathologist on January 1, 2002. The application shall include:

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- 1) Certification, on forms provided by the Department, of completion of a bachelor's degree in speech-language pathology.
- 2) A complete work history since completion of the bachelor's degree program.
- 3) Verification of employment as a bachelor's level speech-language pathology assistant on January 1, 2002.
- 4) The required fee as set forth in Section 1465.75 of this Part.

(Source: Amended at 27 Ill. Reg. 15530, effective September 19, 2003)

**Section 1465.45 Jurisdiction**

Any individual who holds a speech-language pathology assistant license issued by the Department must abide by the Speech-Language Pathology and Audiology Practice Act and this Part regardless of employment setting.

(Source: Amended at 27 Ill. Reg. 15530, effective September 19, 2003)

**Section 1465.60 Endorsement**

- a) An applicant for a license as a speech-language pathologist or audiologist who is licensed under the laws of another state or territory of the United States shall file an application with the Department, on forms provided by the Department, ~~that~~ **which** includes:
  - 1) Certification, on forms provided by the Department, of a master's ~~or~~ **doctoral** degree from a program approved by the Department in accordance with Section 1465.20;
  - 2) Certification, on forms provided by the Department, of completion of the equivalent ~~of to~~ **9** months of full-time supervised professional experience as set forth in Section 1465.30 of this Part;
  - 3) Proof of successful completion of the examination set forth in Section 1465.50 of this Part;
  - 4) The Department, upon recommendation of the Board, will accept a

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Certificate of Clinical Competence in Speech-Language Pathology or Audiology awarded by the American Speech-Language-Hearing Association's Clinical Certification Board or certification in audiology from the American Board of Audiology, in lieu of the documents required in subsections (a)(2) and (3) ~~above~~;

- 5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and any state in which the applicant is currently licensed, stating:
    - A) The time during which the applicant was licensed; and
    - B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending;
  - 6) A complete work history since completion of a master's ~~or doctoral~~ degree program; and
  - 7) The required fee as set forth in Section ~~1465.75~~ ~~1465.75(a)~~ of this Part.
- b) The Department may require additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois at the time of original licensure or to determine whether the requirements of another state or territory together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application. The Department, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification ~~in speech-language pathology or audiology~~ from the American Speech-Language-Hearing Association or certification in audiology from the American Board of Audiology; education, training, and experience, including, but not limited to, whether he/she has achieved special honors or awards, has had articles published in professional journals, has written textbooks relating to speech-language-hearing; and any other attribute ~~which~~ the Director accepts as evidence that ~~the such~~ applicant has outstanding and proven ability in speech-language-hearing. The Department shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.
- c) An applicant for a license as a speech-language pathology assistant who is licensed under the laws of another state or territory of the United States shall file

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an application with the Department, on forms provided by the Department, that includes:

- 1) Certification, on forms provided by the Department, of completion of an associate's degree from a speech-language pathology assistant program approved by the Department in accordance with Section 1465.20(b);
- 2) A complete work history since completion of an associate's degree program;
- 3) The required fee set forth in Section 1465.75 of this Part; and
- 4) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and any state in which the applicant is currently licensed, stating:
  - A) The time during which the applicant was licensed; and
  - B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending.

The Department may require additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois at the time of original licensure or to determine whether the requirements of another state or territory, together with education and professional experience qualifications of the applicant, are substantially equivalent to the requirements in Illinois at the time of application. The Department shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

(Source: Amended at 27 Ill. Reg. 15530, effective September 19, 2003)

**Section 1465.70 Renewal**

- a) Every license issued under the Act shall expire on October 31 of odd numbered years. The holder of a license may renew ~~the such~~ license during the month preceding the expiration date by paying the required fee. ~~In For the October 31, 1999 renewal, in order to renew a license, a licensee will be required to complete 10 hours of continuing education in accordance with Section 1465.85. For every renewal thereafter, in order to renew a license, a~~ speech-language pathology or

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audiology licensee will be required to complete 20 hours of continuing education in accordance with Section 1465.85. Beginning with the October 31, 2007 renewal, in order to renew a speech-language pathology assistant license, a licensee will be required to complete 10 hours of continuing education in accordance with Section 1465.85.

- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 27 Ill. Reg. 15530, effective September 19, 2003)

**Section 1465.75 Fees**

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
- 1) The fee for application for initial speech-language pathologist or audiologist license by examination is \$90. In addition, applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
  - 2) The fee for application as a speech-language pathology assistant is \$45.
  - ~~3)2)~~ The fee for application for a person licensed as a speech-language pathologist or audiologist under the laws of another state or territory of the United States or of a foreign country or province is \$100.
- b) Renewal Fees.
- 1) The fee for the renewal of a speech-language pathologist or audiologist license shall be calculated at the rate of \$50 per year.
  - 2) The fee for the renewal of a speech-language pathology assistant license

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shall be calculated at the rate of \$25 per year.

- c) General Fees.
- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
  - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license ~~that~~ ~~which~~ has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
  - 3) The fee for a certification of a licensee's record for any purpose is \$20.
  - 4) The fee for rescoring an examination shall be the cost to the Department of rescoring the examination, plus any fees charged by the applicable testing service to have the examination rescored.
  - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing ~~the such~~ certificate.
  - 6) The fee for a roster of persons licensed as speech-language pathologists or audiologists in this State shall be the actual cost of producing ~~the such-a~~ roster.

(Source: Amended at 27 Ill. Reg. 15530, effective September 19, 2003)

**Section 1465.80 Restoration**

- a) A person seeking restoration of a license that has expired for 5 years or less shall have the license restored upon payment of the fees pursuant to Section 1465.75 of this Part. ~~In After October 31, 1999, in~~ order to restore a speech-language pathology or audiology license, a licensee will be required to complete 20 hours of continuing education in accordance with Section 1465.85. In order to restore a speech-language pathology assistant license, a licensee will be required to complete 10 hours of continuing education in accordance with Section 1465.85.
- b) A person seeking restoration of a license that has been placed on inactive status for 5 years or less shall have the license restored upon payment of the fee

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pursuant to Section 1465.75 of this Part. ~~In After October 31, 1999, in~~ order to restore a speech-language pathology or audiology license, a licensee will be required to complete 20 hours of continuing education in accordance with Section 1465.85. ~~In order to restore a speech-language pathology assistant license, a licensee will be required to complete 10 hours of continuing education in accordance with Section 1465.85.~~

- c) A person seeking restoration of a speech-language pathology or audiology license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee required by Section 1465.75 of this Part and be scheduled for an interview before the Board. ~~In After October 31, 1999, in~~ order to restore a license, a licensee will be required to complete 20 hours of continuing education in accordance with Section 1465.85. The person shall also submit either:

- 1) Sworn evidence of active practice in another United States jurisdiction. ~~The Such~~ evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 11(f) of the Act; or
- 3) Proof of successful completion of the NESPA examination in accordance with Section 1465.50 of this Part within one year prior to application for restoration of a speech-language pathology or audiology license.

- d) A person seeking restoration of a speech-language pathology assistant license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee required by Section 1465.75 of this Part and be scheduled for an interview before the Board. In order to restore a license, a licensee will be required to complete 10 hours of continuing education in accordance with Section 1465.85. The person shall also submit either:

- 1) Sworn evidence of active employment as a speech-language pathology assistant in another United States jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to be employed during the term of active employment as a speech-language pathology assistant; or

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- 2) An affidavit attesting to military service as provided in Section 11(f) of the Act.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given or a need for clarification, the person seeking restoration of a license shall be required to:
- 1) Provide ~~such~~ information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Department, an applicant shall have the license restored.

(Source: Amended at 27 Ill. Reg. 15530, effective September 19, 2003)

**Section 1465.85 Continuing Education**

- a) Continuing Education Hours Requirements
- 1) Beginning with the October 31, 2001 renewal and every renewal thereafter, For the October 31, 1999 renewal, a licensee will be required to complete 10 hours of continuing education. (Continuing education hours taken from November 1, 1997 to October 31, 1999, from a sponsor approved by the Department in accordance with this Section, may be utilized to fulfill the 10 hours of continuing education.) After October 31, 1999, in order to renew a speech-language pathology or audiology license, a licensee will be required to complete 20 hours of continuing education in accordance with this Section. Beginning with the October 31, 2007 renewal and every renewal thereafter, in order to renew a speech-language pathology assistant license, a licensee will be required to complete 10 hours of continuing education in accordance with this Section.
  - 2) A prerenewal period is the 24 months preceding October 31 of each odd-numbered year.
  - 3) CE requirements shall be the same for licensed speech-language

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pathologists and licensed audiologists. Individuals who hold a license as a speech pathologist and as an audiologist will be required to complete 20 hours of continuing education for each license held (~~10 hours for each license for the October 31, 1999 renewal~~). An audiologist who has met the continuing education requirements of the Hearing Instrument Consumer Protection Act during the prerenewal period shall be deemed to have met the continuing education requirements for renewal of the audiologist license.

- 4) One CE hour shall equal one clock hour of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.
  - 5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
  - 6) Speech-language pathologists and audiologists licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
  - 7) ~~Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.~~
- b) Approved Continuing Education (CE)
- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at, or participation in, a program or course ("program") that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) ~~below~~, except for those activities provided in subsections (b)(2), (3) and (4) ~~below~~.
  - 2) CE credits may be earned for completion of a correspondence course that is offered by an approved sponsor who meets the requirements set forth in subsection (c) ~~below~~. Each correspondence course shall include an examination.
  - 3) CE credit may be earned through postgraduate training programs in speech-language pathology or audiology (e.g., extern, residency or fellowship programs) or completion of speech-language pathology or

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audiology related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.

- 4) CE credit may be earned for authoring papers, publications, dissertations or books and for preparing presentations and exhibits in the field of speech-language pathology and audiology. The preparation of each published paper, book chapter or professional presentation dealing with speech-language pathology or audiology may be claimed for a maximum of 5 hours of CE credit. A presentation must be before an audience of speech-language pathologists, audiologists or related professionals. Five credit hours may be claimed for only the first time the information is published or presented.
- c) Approved CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
    - A) American Speech-Language-Hearing Association and its affiliates;
    - B) American Academy of Audiology and its affiliates;
    - C) Illinois Speech-Language-Hearing Association and its affiliates.
    - D) Illinois Academy of Audiology and its affiliates;
    - E) Any other accredited ~~school~~, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department in accordance with subsection (c)(2) ~~below~~ to coordinate and present continuing education courses and programs in conjunction with this Section.
  - 2) An entity, not listed in subsection (c)(1) ~~(A), (B) or (C) above~~, seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with a \$500 application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:

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- A) Certification:
- i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) **below** and all other criteria in this Section;
  - ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and shall provide a certificate of attendance as set forth in subsection (c)(9) **below**;
  - iii) That, upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;
  - iv) That each sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered;
- B) A copy of a sample program with faculty, course materials and syllabi.
- 3) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of speech-language pathology or audiology;
  - B) Foster the enhancement of general or specialized speech-language pathology or audiology practice and values;
  - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;

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- D) Specify the course objectives, course content and teaching methods to be used; and
  - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the approved sponsor. The presenter of the program may also be identified, but should be identified as a presenter. When an approved sponsor subcontracts with a presenter, the approved sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 6) All programs given by approved sponsors shall be open to all licensed speech-language pathologists, ~~and~~ licensed audiologists and licensed speech-language pathology assistants and not be limited to members of a single organization or group.
- 7) To maintain approval as a sponsor, each shall submit to the Department by October 31 of each odd-numbered year a renewal application, a \$250 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.
- 8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
- A) The name, address and license number, if applicable, of the

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sponsor;

- B) The name and address of the participant;
  - C) A brief statement of the subject matter;
  - D) The number of hours attended in each program;
  - E) The date and place of the program; and
  - F) The signature of the sponsor.
- 9) The sponsor shall maintain attendance records for not less than 5 years.
  - 10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
  - 11) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with this Section.
  - 12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) **above**.
  - 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

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- 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
  - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval and disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
- ~~f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 1465.75 of this Part.~~
- ~~fg) Waiver of CE Requirements~~
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 1465.75 of this Part, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from ~~the such~~ affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

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- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
  - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
  - B) An incapacitating illness documented by a statement from a currently licensed physician;
  - C) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section, shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 27 Ill. Reg. 15530, effective September 19, 2003)

**Section 1465.95 Professional Conduct Standards**

The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 16 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:

- a) Practicing, condoning, facilitating, or otherwise being involved in, any form of discrimination. The licensee should act to prevent and eliminate discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status;
- b) Engaging in any action that violates or diminishes the civil or legal rights of clients;
- c) Engaging in the sexual exploitation of clients, students or supervisees;
- d) Engaging in or condoning sexual harassment, which is defined as unwelcome deliberate or repeated comments, gestures or physical contacts of a sexual nature;

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- e) Failing to offer all pertinent facts regarding services rendered to the client prior to administration of professional services. The purpose of informed consent is to insure a client's complete access to information pertaining to professional services. Examples include, but are not limited to, fees for services, length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly encouraged;
- f) Failing to take appropriate steps to protect the privacy of a client and avoid unnecessary disclosures of confidential information;
- g) Performing, or pretending to be able to perform, professional services beyond one's scope of practice and one's competency;
- h) Failing to inform clients of the use of all experimental methods of treatment; safety precautions shall be adhered to by the licensee;
- i) Failing to establish and maintain client records;
- j) Deceptive, misleading or false ~~representation advertising~~. Licensees must assert and should claim or imply only ~~professional~~ credentials possessed and are responsible for correcting any misrepresentations of their credentials by others. Credentials Professional credentials include highest relevant degrees, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, professional membership, or any other credential that might indicate to the public specialized knowledge or expertise in speech-language pathology or audiology;
- k) Submission of fraudulent claims for services to any person or entity including, but not limited to, health insurance companies or health service plans or third party payors;
- l) Knowingly providing services to a client when the licensee's ability to practice is impaired. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems;
- m) Permitting a student or supervisee under his/her supervision or control to perform, or permitting the student or supervisee to hold himself or herself out as competent to perform, ~~professional~~ services beyond the trainee's, ~~or~~ intern's, or assistant's level ~~of or~~ education, training and/or experience;

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- n) Allowing the student or supervisee to violate the rights of clients, permitting a trainee to violate confidentiality standards or failing to ensure that the client is informed that he/she is being treated by a student or supervisee;
- o) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits;
- p) The Department hereby incorporates by reference the "Code of Ethics, 1995" of the American Speech-Language-Hearing Association (2003), January 1, 1994, approved by the American Speech Language Hearing Association, 10801 Rockville Pike, Rockville, Maryland 20852, and the "Code of Ethics" of the American Academy of Audiology (2003), 11730 Plaza American Dr., Suite 300, Reston, Virginia 201908201 Greensboro Drive, Suite 300, McLean, Virginia 22102, with no later amendments or editions.

(Source: Amended at 27 Ill. Reg. 15530, effective September 19, 2003)

## ILLINOIS LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1200
- 3) Section Numbers: 1200.10                      Emergency Action: Amendment
- 4) Statutory Authority: 5 ILCS 315
- 5) Effective Date of Amendment: September 22, 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 rules are to expire when the proposed rules are adopted.
- 7) Date Filed with the Index Department: September 22, 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: This emergency rulemaking implements PA 93-444, which became effective immediately on August 5, 2003. The legislation provided a new means by which the Board can certify unions as the exclusive representative for a group of employees.
- 10) A complete Description of the Subjects and Issues Involved: As stated above, this emergency rulemaking implements PA 93-444, legislation providing a new means by which the Board can certify unions as the exclusive representative for a group of employees.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This amendment does not create or expand a State mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Michele Cotrupe  
Illinois Labor Relations Board  
160 N. LaSalle St., Suite S-400

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

Chicago, Illinois 60601  
(312) 793-6400

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

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

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## NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE C: LABOR RELATIONS  
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARDPART 1200  
GENERAL PROCEDURES

## Section

1200.5 Board Information and Business Hours

1200.10 Definitions

EMERGENCY

1200.20 Filing and Service of Documents

1200.30 Computation and Extensions of Time

1200.40 Authority of Administrative Law Judges

1200.45 Motions

1200.50 Recording of Hearings

1200.60 Closing Arguments and Briefs Before an Administrative Law Judge

1200.70 Representation of Parties

1200.80 Ex Parte Communications

1200.90 Subpoenas

1200.100 Transfer of Jurisdiction

1200.105 Consolidation of Proceedings

1200.110 Amicus Curiae Briefs (Repealed)

1200.120 Voluntary Settlement or Adjustment of Disputes

1200.130 Rules of Evidence

1200.135 Appeals Procedures, Board Review and Court Review

1200.140 Amicus Curiae Briefs

1200.143 Declaratory Rulings

1200.145 Filing of Contracts

1200.150 Conflicts of Interest

1200.160 Variances and Suspensions of Rules

AUTHORITY: Implementing and authorized by the Illinois Public Labor Relations Act [5 ILCS 315].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 17314, effective September 11, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1846, effective January 25, 1985; amended at 11 Ill. Reg. 6428, effective March 27, 1987; amended at 12 Ill. Reg. 20096, effective November 18, 1988; amended at 14 Ill. Reg. 19896, effective November 30, 1990; amended at 17 Ill. Reg. 15588, effective September 13, 1993; amended at 20 Ill. Reg. 7391, effective May 10, 1996;

## ILLINOIS LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENT

amended at 27 Ill. Reg. 7365, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 15557, effective September 22, 2003, for a maximum of 150 days.

**Section 1200.10 Definitions****EMERGENCY**

This Part incorporates the definitions contained in Section 3 of the Act as well as other definitions.

"Act" means the Illinois Public Labor Relations Act [5 ILCS 315].

"Administrative Law Judge" means either the agency head or an attorney licensed to practice in Illinois.

"Administrative Law Judge's recommended decision and order" means findings of fact and conclusions of law and reasons for those findings and conclusions. It is not a final decision of the Board. Such a recommended decision and order will be reviewed by the Board upon the filing of exceptions or on the Board's own motion.

"Board" means the Illinois Labor Relations Board or State or Local Panel, individually as applicable, or an agent designated by the Board

"Board agent" means any Board employee who is designated by the Board to perform the acts and/or responsibilities outlined in the relevant sections of the rules.

"Charging party" means the person or labor organization filing an unfair labor practice charge.

"Complaint" means a Board document issued to the parties in an unfair labor practice proceeding, notifying them of a hearing and setting forth the issues of fact or law to be resolved at the hearing.

"Employer" means the party named in a representation petition, unit clarification petition, decertification petition or voluntary recognition petition as the employer of the unit described in the petition.

"Executive Director's Order" includes reports concerning challenges and objections to an election; deferrals to arbitration; orders holding cases in

## ILLINOIS LABOR RELATIONS BOARD

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abeyance; dismissals; directions of election; and other similar orders. These orders are not final decisions of the Board but are the results of investigations. The Board, upon the filing of an appeal, shall review such orders except that orders and parts of orders finding sufficient issues of law and fact sufficient to warrant a hearing are not appealable.

"Fact-finding" means a process whereby an employer and an exclusive representative submit their disputes concerning the terms of a new collective bargaining agreement to a neutral third party for non-binding findings of fact and recommendations.

"General public employee unit" means any bargaining unit of employees who, because they are not subject to Section 14 of the Act, have the right to strike in accordance with Section 17 of the Act.

"Grievance arbitration" means a process whereby an employer and an exclusive representative submit a dispute concerning the interpretation or application of an existing collective bargaining agreement to a neutral third party for resolution.

"Grievance mediation" means a process whereby an employer and an exclusive representative employ a neutral third party to communicate with the parties and endeavor to bring about an amicable, voluntary resolution of a dispute over the interpretation or application of an existing collective bargaining agreement.

"Initial contract" means negotiations for a collective bargaining agreement covering a bargaining unit that is not currently covered by a collective bargaining agreement between the exclusive representative and the employer.

"Interest arbitration" means a process whereby an employer and an exclusive representative submit their disputes concerning the terms of a new collective bargaining agreement for resolution by a neutral third party. "Compulsory interest arbitration" shall refer to interest arbitration engaged in pursuant to Section 14 of the Act. "Voluntary interest arbitration" shall refer to all other interest arbitration engaged in under the Act.

"Mediation" means a process whereby an employer and an exclusive representative employ a neutral third party to communicate with the parties and endeavor to bring about an amicable, voluntary resolution of negotiations over the terms of a new collective bargaining agreement.

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"Petitioner" means the party named in a representation petition, unit clarification petition, decertification petition or voluntary recognition petition as having filed the petition.

"Protective services unit" means any bargaining unit subject to Section 14 of the Act in which the employees accordingly do not have the right to strike. Such units *are units of security employees of a public employer, peace officer units, or units of firefighters or paramedics.* (Section 14(a) of the Act)

"Representation petition" means both a traditional representation petition to determine a union's majority support through an election (election petition) as set forth in Section 9(a)(1) and (2) of the Act and a petition filed pursuant to the Board's card check procedures (majority interest petition) as set forth in Section 9(a)(5) of the Act.

"Respondent" means the party named in an unfair labor practice charge or complaint as having allegedly committed the unfair labor practice.

"Successor contract" means negotiations for a collective bargaining agreement covering a bargaining unit that is currently covered by a collective bargaining agreement between the exclusive representative and the employer.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 15557, effective September 22, 2003, for a maximum of 150 days)

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- 1) Heading of the Part: Representation Proceedings
- 2) Code Citation: 80 Ill. Adm. Code 1210
- 3) 

<u>Section Numbers</u> :	<u>Emergency Action</u> :
1210.20	Amendment
1210.35	Amendment
1210.37	Amendment
1210.40	Amendment
1210.60	Amendment
1210.80	Amendment
1210.100	Amendment
- 4) Statutory Authority: 5 ILCS 315
- 5) Effective Date of Rules: September 22, 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 rules are to expire when the proposed rules are adopted.
- 7) Date Filed with the Index Department: September 22, 2003
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking implements PA 93-427 and PA 93-444, which became effective immediately on August 5, 2003. The legislation provided a new means by which the Board can certify unions as the exclusive representative for a group of employees.
- 10) A complete Description of the Subjects and Issues Involved: As stated above, this emergency rulemaking implements PA 93-427 and PA 93-444, legislation providing a new means by which the Board can certify unions as the exclusive representative for a group of employees.
- 11) Are there any amendments to this Part pending? No
- 12) Statement of Statewide Policy Objective: These amendments do not create or expand a State mandate.

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

Michele Cotrupe  
Illinois Labor Relations Board  
160 N. LaSalle St., Suite S-400  
Chicago, Illinois 60601  
(312) 793-6400

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

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE C: LABOR RELATIONS  
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARDPART 1210  
REPRESENTATION PROCEEDINGS

## Section

1210.10	General Statement of Purpose
1210.20	Labor Organization Options in Seeking Recognition
<u>EMERGENCY</u>	
1210.30	Employer Options in Responding to Recognition Requests
1210.35	Timeliness of Petitions and Bars to Elections
<u>EMERGENCY</u>	
1210.37	Bargaining Unit Determinations
1210.40	Representation Petitions
<u>EMERGENCY</u>	
1210.50	Intervention Petitions
1210.60	Decertification Petitions
<u>EMERGENCY</u>	
1210.65	Declaration of Disinterest Petition
1210.70	Timeliness of Petitions (Repealed)
1210.80	Showing of Interest
<u>EMERGENCY</u>	
1210.90	Posting of Notice (Repealed)
1210.100	Processing of Petitions
<u>EMERGENCY</u>	
1210.105	Consent Elections
1210.107	Hearings
1210.110	Consent Elections (Renumbered)
1210.120	Bargaining Unit Determinations (Repealed)
1210.130	Eligibility of Voters
1210.140	Conduct of the Election
1210.150	Objections to the Election
1210.160	Voluntary Recognition Procedures
1210.170	Unit Clarification Procedures
1210.175	Stipulated Unit Clarification Procedures
1210.180	Procedures for Amending Certifications
1210.190	Expedited Elections Pursuant to Section 10(b)(7)(C) of the Act

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AUTHORITY: Implementing Section 9 and authorized by Section 5(i) and (j) of the Illinois Public Labor Relations Act [5 ILCS 315/9, 5(i) and (j)].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 16014, effective August 22, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1870, effective January 25, 1985; amended at 11 Ill. Reg. 6461, effective March 27, 1987; amended at 12 Ill. Reg. 20110, effective November 18, 1988; amended at 14 Ill. Reg. 19930, effective November 30, 1990; amended at 17 Ill. Reg. 15612, effective September 13, 1993; amended at 20 Ill. Reg. 7406, effective May 10, 1996; amended at 27 Ill. Reg. 7393, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 15563, effective September 22, 2003, for a maximum of 150 days.

**Section 1210.20 Labor Organization Options in Seeking Recognition****EMERGENCY**

- a) A labor organization seeking recognition in a proposed appropriate bargaining unit in which no other labor organization has attained recognition rights in accordance with the Act may request that the employer voluntarily recognize it or may file a representation petition with the Board.
- b) A labor organization seeking recognition in a proposed appropriate bargaining unit in which another labor organization is recognized in accordance with the Act may pursue its request only by filing a representation petition seeking an election with the Board.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 15563, effective September 22, 2003, for a maximum of 150 days)

**Section 1210.35 Timeliness of Petitions and Bars to Election****EMERGENCY**

- a) Contract Bar
  - 1) When there is in effect a collective bargaining agreement of 3 three-years or shorter duration covering all or some of the employees in the bargaining unit, representation and decertification petitions may be filed during the window period (between 90 and 60 days prior to the scheduled expiration date of the collective bargaining agreement) or anytime after the expiration of the collective bargaining agreement. However, the collective bargaining agreement shall serve as a bar (contract bar) to filing representation or decertification petitions outside of the window period.

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2) ~~*Where more than 4 years have elapsed since the effective date of the agreement, the agreement shall continue to bar an election, except that the Board may process an election petition filed between 90 and 60 days prior to the end of the fifth year of such an agreement, and between 90 and 60 days prior to the end of each successive year of such agreement. (Section 9(h) of the Act) When there is in effect a collective bargaining agreement longer than three years duration, it shall serve as a bar (contract bar) to filing representation or decertification petitions for the first three years of the collective bargaining agreement's existence. Representation and decertification petitions may be filed between 90 and 60 days prior to the end of the third year of such an agreement or anytime after the end of the third year of such an agreement.*~~

3) When an employer recognizes an employee organization without using the voluntary recognition or representation ~~election~~ procedures as specified by the Act, any collective bargaining agreement reached by the parties shall not serve as a bar to the filing of a representation or decertification petition.

b) Certification Bar

The Board will dismiss a representation or decertification petition filed within 12 months following the date of Board certification of an exclusive representative for all or some of the employees in the bargaining unit, as a result of certification following a representation petition winning a representation election or voluntary recognition petition.

c) Election Bar

With respect to any bargaining unit, no election may be conducted in a bargaining unit, or subdivision thereof, when a valid Board conducted election has been held within the preceding 12 month period in which the union or petitioner has lost the election. However, representation and decertification petitions filed within the last three months of the 12 month period will be processed, and any resulting election or certification pursuant to the Board's card check procedures will be held after the 12 month period has elapsed. Representation and decertification petitions filed in the first 9 months of the 12 month period will be dismissed.

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(Source: Amended by emergency rulemaking at 27 Ill. Reg. 15563, effective September 22, 2003, for a maximum of 150 days)

**Section 1210.37 Bargaining Unit Determinations****EMERGENCY**

- a) In determining the appropriateness of a unit for purposes of collective bargaining, the Administrative Law Judge and/or the Board shall consider all relevant factors, including, but not limited to, such factors as historical pattern of recognition; community of interest, including employee skills and functions; degree of functional integration; interchangeability and contact among employees; fragmentation of employee groups; common supervision, wages, hours and other working conditions of the employees involved; and the desires of the employees. If the employer alleges that the petitioned for unit is not appropriate, it shall submit a detailed statement explaining why the unit is not appropriate. The Administrative Law Judge may determine a unit other than the one petitioned for is an appropriate unit. The employer or union must inform the Administrative Law Judge whether it is willing to proceed to an election or a determination of majority status through the Board's card check provisions in a unit other than one petitioned for.
- b) In describing the unit found appropriate for purposes of collective bargaining, the Board may, at the parties' request, describe the unit in job function terms rather than by job titles. Such unit descriptions may also include those currently existing job titles that perform the job functions.
- c) A bargaining unit described as consisting of particular job titles shall also include any job titles later created that are successor job titles to the currently existing job titles or perform the same or substantially similar job functions as the currently existing job titles.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 15563, effective September 22, 2003, for a maximum of 150 days)

**Section 1210.40 Representation Petitions****EMERGENCY**

- a) A representation petition may be filed by:
  - 1) an employee, a group of employees, or a labor organization; or
  - 2) an employer, *alleging that one or more labor organizations have*

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*presented a claim to be recognized as an exclusive bargaining representative of a majority of the employees in an appropriate unit.*  
(Section 9(a)(2) of the Act)

- b) Representation petitions shall be signed by a representative of the petitioning party and shall contain:
- 1) the name, address and telephone number of the employer;
  - 2) the name, address, telephone number and affiliation, if any, of the labor organization;
  - 3) the name, address and telephone number of petitioner's representative;
  - 4) a specific and detailed description of the proposed bargaining unit that petitioner claims to be appropriate, including employee classifications or job titles to the extent known;
  - 5) a statement of whether the proposed unit combines professional and nonprofessional employees;
  - 6) a statement of whether the proposed unit combines craft and noncraft employees;
  - 7) the approximate number of employees in the proposed bargaining unit;
  - 8) a statement of whether the proposed unit is to be included within an existing bargaining unit;
  - 9) the name of any existing exclusive representative of any employees in the proposed bargaining unit;
  - 10) a brief description of any collective bargaining agreements covering any employees in the proposed bargaining unit, and the expiration dates of the agreements;
  - 11) the date that the employer recognized any existing exclusive representative of any employees in the proposed bargaining unit, and the method of recognition;

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- 12) election and/or recognition history prior to July 1, 1984, to the extent known; ~~and~~
  - 13) in the case of a petition filed by an employer, a statement that one or more labor organizations has demanded recognition; ~~and-~~
  - 14) a statement indicating whether the petitioner requests a representation election or a determination of majority support through the Board's card check procedures.
- c) The Board shall serve the representation petition on the appropriate parties as follows:
- 1) Employer petitions shall be served on the labor organizations that have demanded recognition, and on the existing exclusive representative, if any.
  - 2) Employee and labor organization petitions shall be served on the employer and on the existing exclusive representative, if any.
- d) Employee and labor organization petitions shall be accompanied by a showing of interest, as defined in Section 1210.80, that at least ~~30% percent~~ of the employees in the petitioned for bargaining unit wish to be represented by the labor organization.
- e) If a labor organization has indicated on the representation petition that it is seeking to utilize the Board's card check procedures for determination of majority status, the petition must be accompanied by a showing of interest, as defined in Section 1210.80, evidencing that a majority of the employees in the petitioned-for bargaining unit wish to be represented by the labor organization.
- ~~f~~e) A petition may seek joint representation by two or more labor organizations if an instrument, such as a joint council, has been established to effectuate the joint representation. In such instances, the petition shall describe the instrument, and the showing of interest shall expressly designate joint representation.
- ~~g~~f) A labor organization may withdraw its representation petition as follows:
- 1) If there are no intervenors, at any time. However, any such withdrawal that occurs after the direction of an election or the approval of a consent election agreement shall bar the labor organization from petitioning for an

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election in a bargaining unit covering all or part of the petitioned for unit for six months following the withdrawal.

- 2) If there are intervenors, the labor organization may not withdraw its petition without the consent of all parties. However, the labor organization may file a statement signed by its authorized representative that it no longer wishes to appear on the ballot. The statement shall be filed no later than 5 days prior to the election. Upon receipt of such a statement, the Board shall strike the labor organization's name from the ballot.
- hg) Whenever a representation petition proposes a bargaining unit that includes craft and non-craft employees, the petition shall so state. In cases where a petition seeks determination of majority support based upon the Board's card check procedures, the Board will first conduct an election to determine whether the employees wish to be included in a combined craft/non-craft unit. The Board will then calculate the union's majority status, based upon the evidence filed with the petition, for either a combined unit or separate units, depending upon the results of the election.
- ih) Whenever a representation petition proposes a bargaining unit that includes or that may include professional and non-professional employees, the petition shall so state. In cases where a petition seeks determination of majority support based upon the Board's card check procedures, the Board will first conduct an election to determine whether the employees wish to be included in a combined professional/non-professional unit. The Board will then calculate the union's majority status, based upon the evidence filed with the petition, for either a combined unit or separate units, depending upon the results of the election.
- ji) Whenever a representation petition proposes a bargaining unit that includes or that may include peace officers and civilian employees, the petition shall so state.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 15563, effective September 22, 2003, for a maximum of 150 days)

**Section 1210.60 Decertification Petitions****EMERGENCY**

- a) The purpose of a decertification proceeding is to determine whether a majority of the employees in an appropriate bargaining unit maintain their desire to be

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represented by the existing exclusive bargaining representative.

- b) A petition to decertify an existing exclusive representative may be filed with the Board. The petition shall be served by the Board on the exclusive representative and on the employer. The petition shall be on a form developed by the Board. It shall be signed and shall contain the following:
- 1) the name, address and telephone number of the petitioner and of the petitioner's representative;
  - 2) the name, address, telephone number and affiliation, if any, of the exclusive representative;
  - 3) the name, address and telephone number of the employer;
  - 4) a specific and detailed description of the bargaining unit, including employee classifications or job titles;
  - 5) the approximate number of employees in the bargaining unit;
  - 6) the date that the exclusive representative was recognized and the method of recognition, if known;
  - 7) a brief description of any collective bargaining agreements covering any employees in the bargaining unit, and the expiration dates of the agreements.
- c) A petition to decertify an existing exclusive representative must be supported by a ~~30% percent~~ showing of interest as defined by Section 1210.80. Determination of majority support based upon the Board's card check procedures will not apply to decertification petitions.
- d) An employer may not instigate a decertification petition filed by an employee or group of employees.
- e) The Executive Director, when convinced that the petition is filed in accordance with Section 1210.35, may issue an Order Directing an Election. The Order is appealable pursuant to Section 1200.135.

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(Source: Amended by emergency rulemaking at 27 Ill. Reg. 15563, effective September 22, 2003, for a maximum of 150 days)

**Section 1210.80 Showing of Interest****EMERGENCY**

- a) Representation Petitions/Decertification Petitions  
Representation petitions filed by employees, groups of employees and labor organizations, and all decertification petitions, must be accompanied by a 30% ~~percent~~ showing of interest.
- b) Majority Interest Petitions  
If a labor organization has indicated on the representation petition that it is seeking to utilize the Board's card check procedures for determination of majority support, the petition must be accompanied by a showing of interest evidencing that a majority of the employees in the petitioned-for bargaining unit wish to be represented by the labor organization.
- ~~cb~~) Intervention Petitions  
A petition to intervene in an election must be supported by a 10% ~~percent~~ showing of interest when the petition seeks a bargaining unit substantially similar to the unit originally petitioned for. When the intervenor seeks a bargaining unit substantially different from the unit originally petitioned for, the petition must be supported by a 30% ~~percent~~ showing of interest. However, an incumbent exclusive representative shall automatically be allowed to intervene without submitting any showing of interest.
- ~~de~~) Showing of Interest Requirements
  - 1) Representation Petitions Seeking Elections
    - A) The showing of interest in support of a representation petition may consist of authorization cards, petitions, or any other evidence that demonstrates that at least 30% of the employees wish to be represented by the labor organization.
    - B) The showing of interest in support of a decertification petition may consist only of cards or petitions clearly stating that the employee does not want the incumbent labor organization to continue serving as exclusive representative.

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- C) Any evidence submitted as a showing of interest must contain legible signatures and each signature must be dated by the employee.
  - D) Each signature appearing on the evidence of showing of interest shall be effective for 12 months from the date it was given.
  - E) Where signatures are used to determine showing of interest, the Board will not accept copies of the documents bearing such signatures.
  - F) The evidence submitted as a showing of interest must indicate the employee's desire for the named labor organization to act as his/her exclusive bargaining representative.
- 2) Representation Cases Involving Majority Interest Petitions
- A) The showing of interest in support of a representation petition may consist of authorization cards, petitions, or any other evidence that demonstrates that a majority of the employees wish to be represented by the union.
  - B) Any evidence submitted as a showing of interest must contain legible signatures and each signature must be dated by the employee.
  - C) Each signature appearing on the evidence of showing of interest shall be effective for 12 months from the date it was given.
  - D) Where signatures are used to determine showing of interest, the Board will not accept copies of the documents bearing such signatures.
- 1) ~~The showing of interest in support of a representation petition may consist of authorization cards, petitions, or any other evidence that demonstrates that at least 30 percent of the employees wish to be represented by the labor organization.~~
- 2) ~~The showing of interest in support of a decertification petition may consist only of cards or petitions clearly stating that the employee does not want the incumbent labor organization to continue serving as exclusive~~

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~~representative.~~

- ~~3) Any evidence submitted as a showing of interest must contain legible signatures and each signature must be dated by the employee.~~
- ~~4) Each signature appearing on the evidence of showing of interest shall be effective for 12 months from the date it was given.~~
- ~~5) Where signatures are used to determine showing of interest, the Board will not accept copies of the documents bearing such signatures.~~
- ~~6) The evidence submitted as a showing of interest must indicate the employee's desire for the named labor organization to act as his/her exclusive bargaining representative.~~

ed) Determination of Showing of Interest

- 1) The Board shall maintain the confidentiality of the showing of interest. The evidence submitted in support of the showing of interest shall not be furnished to any of the parties.
- 2) Whenever an employee has signed authorization cards or petitions for two or more labor organizations, each card or petition shall be counted in computing the required showing of interest. Duplicates for the same labor organization shall be counted as one. Where a majority interest petition has been filed and employees signing authorization cards have also signed cards authorizing other labor organizations to represent them, the most recently signed card will count for the purpose of determining majority status.
- 3) The adequacy of the showing of interest shall be determined administratively by the Board or its agent. The showing of interest determination is not subject to litigation, except upon a finding of clear and convincing evidence of fraud or coercion in majority interest petition cases. However, any person who has evidence that the showing of interest was obtained improperly, such as through the use of fraud or coercion, may bring the evidence to the attention of the Board agent investigating the petition.
- 4) If the Board agent determines that the evidence submitted does not demonstrate the appropriate level of showing of interest, the petitioner or intervenor shall have 48 hours to provide the necessary showing of interest to the Board agent. If the petitioner or intervenor is unable to present any necessary additional evidence of showing of interest within that time, then

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the petition shall be dismissed.

- 5) When the Board orders an election, or certification upon detrmination of majority support through the Board's majority interest petition procedures, in a unit different from the one petitioned for, the petitioner and intervenors, if any, shall have 5 days from the date of service of the Board's Order ~~Directing an Election~~ to submit a showing of interest in the new unit.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 15563, effective September 22, 2203, for a maximum of 150 days)

**Section 1210.100 Processing of Petitions****EMERGENCY**

- a) Representation Petitions Seeking an Election
  - 1) The Board shall provide the employer with a Notice to Employees of the filing of a representation or decertification petition. The Notice to Employees shall be posted on bulletin boards and other places where notices to employees in the proposed bargaining unit are customarily posted. The Notice to Employees shall inform employees that a petition has been filed with the Board and shall outline intervention procedures. The Notice shall remain posted until replaced by the Board-issued Notice of Election, unless the petition has been dismissed or withdrawn. It shall be incumbent upon the parties to contact the Board to correct any errors that may appear on the Notice to Employees.
  - 2) Within 7 days after service of a petition, the employer shall file with the Board a list containing the full names and titles of the employees in the proposed bargaining unit. In the event the employer does not supply the list within 7 days, the Board shall administratively determine the adequacy of the showing of interest, based on the information provided by the union.
  - 3) All employers served with a representation petition and all unions served with a decertification petition shall file a written response to the petition. The response filed shall set forth the party's position with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit and, to the extent known, whether any employees sought by petitioner to be included in the unit are supervisory, managerial or confidential. If a party agrees to the

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appropriateness of the unit proposed in the petition, it shall so indicate. If a party disagrees with the unit proposed in the petition, it shall describe with particularity what it considers to be an appropriate unit, and shall include a description of the job titles and classifications of the employees to be included and of those to be excluded.

- 4) The setting forth of a party's position with respect to the appropriate unit shall not be deemed to waive or otherwise preclude the right of that party to subsequently assert a different position with respect to what unit it considers appropriate.
- 5) Petitions to intervene in the election may be filed with the Board no later than 15 days prior to the date of the election. However, any intervenor who files after the date set for hearing or, if no hearing is held, after the approval of a consent election agreement or the direction of an election shall have waived objections to the bargaining unit.
- 6) Upon receipt of the petition, the Board or its agent shall investigate the petition. If, for any reason during the investigation, the Board or its agent discovers that the petition may be inappropriate, the Board or its agent may issue an order to show cause requesting that the petitioner provide sufficient evidence to overcome the inappropriateness. Failure to provide sufficient evidence of the petition's appropriateness can result in the dismissal of the petition. Moreover, in conjunction with subsection (c), if, for any reason during the investigation, the Board or its agent discovers that the employer's objections to the representation petition or the union's objections to the decertification petition are insufficient in either law or fact, the Board or its agent may issue an order to show cause requesting that the employer or union provide sufficient evidence to support its defenses. Failure to provide sufficient evidence can result in the waiver of defenses.
- 7) Results of the Investigation
  - A) After the investigation, the Executive Director shall dismiss a petition, or the Administrative Law Judge shall recommend to the Board that a petition be dismissed, when a petition has been filed untimely; when the bargaining unit is clearly inappropriate; when the showing of interest is not adequate; when the employer is not covered by the Act; when the employees are not covered by the

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Act; or for any other reason there is no reasonable cause to believe that a question of representation exists. Parties may appeal the Executive Director's order or the Administrative Law Judge's recommended decision and order in accordance with 80 Ill. Adm. Code 1200.135.

B) If, at the conclusion of the investigation, the parties agree to an election in the petitioned-for bargaining unit, the parties may file a stipulation for consent election in accordance with Section 1210.105.

C) If, at the conclusion of the investigation, the only issues remaining between the parties are logistical, e.g., the date of the election, or the positions in dispute comprise 10% or less of the petitioned for bargaining unit, the Executive Director or Administrative Law Judge may issue an Order Directing an Election. Parties may appeal the Order in accordance with 80 Ill. Adm. Code 1200.135.

D) If the investigation discloses that there is reasonable cause to believe that there are unresolved issues relating to the question concerning representation, the Board shall set the matter for hearing before an Administrative Law Judge. All parties shall be given a minimum of 14 days notice of the hearing.

8) The Executive Director may, in his or her discretion or at the request of the charging party, suspend the processing of a petition if an unfair labor practice charge is filed containing allegations regarding conduct that may either affect the existence of a question concerning representation or have a tendency to interfere with a fair and free election.

b) Representation Cases Involving Majority Interest Petitions

1) The Board shall provide the employer with a Notice to Employees of the filing of a majority interest petition. The Notice to Employees shall be posted on bulletin boards and other places where notices to employees in the proposed bargaining unit are customarily posted. The Notice to Employees shall inform employees that a petition has been filed with the Board in accordance with Section 9(a)(5) of the Act. The Notice shall remain posted for 14 days. It shall be incumbent upon the parties to contact the Board to correct any errors that may appear on the Notice to Employees.

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- 2) Within 7 days after service of a petition, the employer shall file with the Board a list containing the full names and titles of the employees in the proposed bargaining unit, along with signature exemplars of the employees in the proposed unit. In the event the employer does not supply the aforementioned information within 7 days, the Board or its agent shall administratively determine the adequacy of the showing of interest, based on the information provided by the union.
- 3) All employers served with a majority interest petition shall file a written response to the petition within 14 days after service of the petition. The response filed shall set forth the party's position with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit and, to the extent known, whether any employees sought by petitioner to be included should be excluded from the unit. The employer must also provide at this time clear and convincing evidence of any alleged fraud or coercion in obtaining majority support. If a party agrees to the appropriateness of the unit proposed in the petition, it shall so indicate. If a party disagrees with the unit proposed in the petition, it shall describe with particularity what it considers to be an appropriate unit, and shall include a description of the job titles and classifications of the employees to be included and of those to be excluded.
- 4) The setting forth of a party's position with respect to the appropriate unit shall not be deemed to waive or otherwise preclude the right of that party to subsequently assert a different position with respect to what unit it considers appropriate.
- 5) Fraud or Coercion
  - A) A party alleging that the petitioner's evidence of majority support was obtained fraudulently or through coercion must provide clear and convincing evidence of that fraud or coercion to the Board or its agent. If a party has not provided clear and convincing evidence of fraud or coercion, the Board will certify the union as the unit's exclusive representative if it is determined to have majority support.
  - B) If the Board finds a party has provided clear and convincing evidence of fraud or coercion, it will nevertheless certify the unit if

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the number of authorization cards or other evidence not affected by the fraud or coercion still constitutes a majority of the petitioned-for bargaining unit. The Board will conduct an election in the petitioned-for unit to determine majority support for the union where the authorization cards or other evidence not affected by the fraud or coercion indicates a showing of interest of at least 30% but not a majority.

- 6) Upon receipt of the petition, the Board or its agent shall investigate the petition. If, for any reason during the investigation, the Board or its agent discovers that the petition may be inappropriate, the Board or its agent may issue an order to show cause requesting that the petitioner provide sufficient evidence to overcome the inappropriateness. Failure to provide sufficient evidence of the petition's appropriateness can result in the dismissal of the petition. Moreover, in conjunction with subsection (c), if, for any reason during the investigation, the Board or its agent discovers that the employer's objections to the majority interest petition are insufficient in either law or fact, the Board or its agent may issue an order to show cause requesting that the employer or union provide sufficient evidence to support its defenses. Failure to provide sufficient evidence can result in the waiver of defenses.

7) Results of the Investigation

- A) After the investigation, the Executive Director shall dismiss a petition, or the Administrative Law Judge shall recommend to the Board that a petition be dismissed, when a petition has been filed untimely; when the bargaining unit is clearly inappropriate; when the showing of interest is not adequate; when the employer is not covered by the Act; when the employees are not covered by the Act; or for any other reason there is no reasonable cause to believe that a question of representation exists. Parties may appeal the Executive Director's order or the Administrative Law Judge's recommended decision and order in accordance with 80 Ill. Adm. Code 1200.135.
- B) Where there are no unit appropriateness or exclusion issues, or any other issues necessitating a hearing, the Executive Director will prepare a tally of the finding of majority support and certify the petitioner as the unit's exclusive representative within 20 days after the service of the petition. Where there are unit or exclusion

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issues, but the number of the contested positions is not sufficient to affect the determination of majority support, then the Executive Director will, within 20 days after service of the petition, prepare a tally of the finding of majority support and issue a certification and the tally concerning the employees not in dispute. The disputed employees' inclusion in the unit will be subject to the Board's unit clarification procedures. Where the number of contested employees is determinative of the outcome, the Board will impound the showing of interest and will resolve the unit appropriateness and exclusion issues through its hearing procedures.

C) If the investigation discloses that there is reasonable cause to believe that there are unresolved issues relating to the question concerning representation, the Board shall set the matter for hearing before an Administrative Law Judge. All parties shall be given a minimum of 14 days notice of the hearing.

8) The Executive Director may, in his or her discretion or at the request of the petitioner, suspend the processing of a petition if an unfair labor practice charge is filed containing allegations regarding employer conduct that may either affect the existence of a question concerning representation or have a tendency to interfere with a fair and free collection of majority support.

- ~~a) The Board shall provide the employer with a Notice to Employees of the filing of a representation or decertification petition. The Notice to Employees shall be posted on bulletin boards and other places where notices to employees in the proposed bargaining unit are customarily posted. The Notice to Employees shall inform employees that a petition has been filed with the Board and shall outline intervention procedures. The Notice shall remain posted until replaced by the Board issued Notice of Election, unless the petition has been dismissed or withdrawn. It shall be incumbent upon the parties to contact the Board to correct any errors that may appear on the Notice to Employees.~~
- ~~b) Within seven days after service of a petition, the employer shall file with the Board a list containing the full names and titles of the employees in the proposed bargaining unit. In the event the employer does not supply the list within seven days, the Board shall administratively determine the adequacy of the showing of interest, based on the information provided by the union.~~
- ~~c) All employers served with a representation petition and all unions served with a decertification petition shall file a written response to the petition. The response~~

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~~filed shall set forth the party's position with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit and, to the extent known, whether any employees sought by petitioner to be included in the unit are supervisory, managerial or confidential. If a party agrees to the appropriateness of the unit proposed in the petition, it shall so indicate. If a party disagrees with the unit proposed in the petition, it shall describe with particularity what it considers to be an appropriate unit, and shall include a description of the job titles and classifications of the employees to be included and of those to be excluded.~~

- ~~d) The setting forth of a party's position with respect to the appropriate unit shall not be deemed to waive or otherwise preclude the right of that party to subsequently assert a different position with respect to what unit it considers appropriate.~~
- ~~e) Petitions to intervene in the election may be filed with the Board no later than 15 days prior to the date of the election. However, any intervenor who files after the date set for hearing or, if no hearing is held, after the approval of a consent election agreement or the direction of an election, shall have waived objections to the bargaining unit.~~
- ~~f) Upon receipt of the petition, the Board or its agent shall investigate the petition. If, for any reason during the investigation, the Board or its agent discovers that the petition may be inappropriate, the Board or its agent may issue an order to show cause requesting that the petitioner provide sufficient evidence to overcome the inappropriateness. Failure to provide sufficient evidence of the petition's appropriateness can result in the dismissal of the petition. Moreover, in conjunction with subsection (c), if, for any reason during the investigation, the Board or its agent discovers that the employer's objections to the representation petition or the union's objections to the decertification petition are insufficient in either law or fact, the Board or its agent may issue an order to show cause requesting that the employer or union provide sufficient evidence to support its defenses. Failure to provide sufficient evidence can result in the waiver of defenses.~~
- ~~g) The Executive Director may, in his or her discretion or at the request of the charging party, suspend the processing of a petition if an unfair labor practice charge is filed containing allegations regarding conduct that may either affect the existence of a question concerning representation or have a tendency to interfere with a fair and free election.~~
- ~~h) After the investigation, the Executive Director shall dismiss a petition, or the Administrative Law Judge shall recommend to the Board that a petition be dismissed, when a petition has been filed untimely; when the bargaining unit is clearly inappropriate; when the showing of interest is not adequate; when the employer is not covered by the Act; when the employees are not covered by the~~

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~~Act; or for any other reason there is no reasonable cause to believe that a question of representation exists. Parties may appeal the Executive Director's order or the Administrative Law Judge's recommended decision and order in accordance with 80 Ill. Adm. Code 1200.135.~~

~~If, at the conclusion of the investigation, the parties agree to an election in the petitioned for bargaining unit, the parties may file a stipulation for consent election in accordance with Section 1210.105.~~

~~If, at the conclusion of the investigation, the only issues remaining between the parties are logistical, e.g., the date of the election, or the positions in dispute comprise 10% or less of the petitioned for bargaining unit, the Executive Director or Administrative Law Judge may issue an Order Directing an Election. Parties may appeal the Order in accordance with 80 Ill. Adm. Code 1200.135.~~

~~If the investigation discloses that there is reasonable cause to believe that there are unresolved issues relating to the question concerning representation, the Board shall set the matter for hearing before an Administrative Law Judge. All parties shall be given a minimum of 14 days notice of the hearing.~~

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 15563, effective September 22, 2003, for a maximum of 150 days)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:      Emergency Action:  
140.492                      Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: September 20, 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: No
- 7) Date Filed with the Index Department: September 16, 2003
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments respond to the need to increase the availability of medical transportation services in certain areas of the State. Under these changes, the Department may adjust reimbursement for medical transportation services when such adjustments are necessary to ensure the availability of transportation to medical services. Immediate implementation of these changes is necessary to ensure the interest, safety and welfare of medical assistance clients who need medical transportation services. Emergency rulemaking is specifically authorized for the implementation of these changes for fiscal year 2004 by Section 5-45 of Public Act 93-0020.
- 10) Complete Description of the Subjects and Issues Involved: These emergency 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 these emergency amendments will result in a budgetary increase during fiscal year 2004, of approximately \$180,000.
- 11) Are there any other amendments pending on this Part? Yes

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<u>Section Numbers:</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)
140.450	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)
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)

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.
- 13) Information and questions regarding this amendment 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 Emergency Amendment begins on the next page:

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

## SUBPART A: GENERAL PROVISIONS

## Section

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

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

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

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- 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)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)

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- 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)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

- Section
- 140.400 Payment to Practitioners

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- 140.402 Copayments for Noninstitutional Medical Services
- 140.405 SeniorCare Pharmaceutical Benefit
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
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- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services
- 140.434 Record Requirements for Independent Clinical Laboratories
- 140.435 Advanced Practice Nurse Services
- 140.436 Limitations on Advanced Practice Nurse Services
- 140.438 Imaging Centers
- 140.440 Pharmacy Services
- 140.441 Pharmacy Services Not Covered
- 140.442 Prior Approval of Prescriptions
- 140.443 Filling of Prescriptions
- 140.444 Compounded Prescriptions
- 140.445 Legend Prescription Items (Not Compounded)
- 140.446 Over-the-Counter Items
- 140.447 Reimbursement
- 140.448 Returned Pharmacy Items
- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Clinic Services
- 140.453 Definitions

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- 140.454 Types of Mental Health Clinic Services
- 140.455 Payment for Mental Health Clinic Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Home Health Services
- 140.471 Home Health Covered Services
- 140.472 Types of Home Health Services
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- 140.474 Payment for Home Health Services
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- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Limitations on Medichek Services (Repealed)
- 140.487 Healthy Kids Program Timeliness Standards
- 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
- 140.490 Medical Transportation
- 140.491 Limitations on Medical Transportation
- 140.492 Payment for Medical Transportation
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- 140.493 Payment for Helicopter Transportation

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- 140.494 Record Requirements for Medical Transportation Services
- 140.495 Psychological Services
- 140.496 Payment for Psychological Services
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- 140.503 Cessation of Payment for Improper Level of Care
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- 140.510 Determination of Need for Group Care
- 140.511 Long Term Care Services Covered By Department Payment
- 140.512 Utilization Control
- 140.513 Notification of Change in Resident Status
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- 140.525 Quality Incentive Program (QUIP) Payment Levels
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- 140.527 Quality Incentive Survey (Repealed)
- 140.528 Payment of Quality Incentive (Repealed)
- 140.529 Reviews (Repealed)
- 140.530 Basis of Payment for Long Term Care Services
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140.536	Organization and Pre-Operating Costs
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140.582	Cost Adjustments
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140.643	In-Home Care Program
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140.850	Reimbursement of Administrative Expenditures
140.855	Administrative Claim Review and Reconsideration Procedure
140.860	County Owned or Operated Nursing Facilities
140.865	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care

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	Facilities (Recodified)
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140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
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140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
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140.930	Reimbursement
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SUBPART H: ILLINOIS COMPETITIVE ACCESS AND  
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140.942	Definition of Terms (Recodified)
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140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
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	Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
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140.968	Validity of Contracts (Recodified)
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140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
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140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill.

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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; 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;

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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 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,

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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 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,

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1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; 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;

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emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 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 1, 2003; amended

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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; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

**Section 140.492 Payment for Medical Transportation****EMERGENCY**

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) Medigars 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. 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

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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 50<sup>th</sup> 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 50<sup>th</sup> 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 50<sup>th</sup> 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 provider's usual charge, or a maximum allowable rate statewide. The maximum rate shall be 80 percent of the difference between the Medicare 50<sup>th</sup> percentile prevailing charge for Basic Life Support services and Advanced Life Support services for Medicare Locality 16. The annual

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## NOTICE OF EMERGENCY AMENDMENTS

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 by emergency rulemaking at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) 

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
121.60	Amendment
121.61	Amendment
121.63	Amendment
121.64	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: These changes are being made to conform with Food and Nutrition Service regulations.
- 5) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 6) Effective Date: October 1, 2003
- 7) A Complete Description of the Subjects and Issues Involved: In accordance with regulations from the Food and Nutrition Service, this rulemaking revises the income eligibility standards and benefit allowances. In addition, this rulemaking provides for the use of the air conditioning/heating standard for food stamp households who receive, apply for, or anticipate applying for a Low Income Home Energy Assistance Program (LIHEAP) payment within 12 months beginning with the date of application.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: September 22, 2003
- 10) A copy of the peremptory rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any proposed amendments pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
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## NOTICE OF PEREMPTORY AMENDMENTS

121.10	Amendment	27 Ill. Reg. 11367; July 25, 2003
121.20	Amendment	27 Ill. Reg. 13936; August 22, 2003
121.31	Amendment	27 Ill. Reg. 9389; June 20, 2003
121.32	Amendment	27 Ill. Reg. 9389; June 20, 2003
121.34	Amendment	27 Ill. Reg. 9389; June 20, 2003
121.41	Amendment	27 Ill. Reg. 11367; July 25, 2003
121.63	Amendment	27 Ill. Reg. 6479; April 18, 2003
121.63	Amendment	27 Ill. Reg. 10181; July 11, 2003
121.120	Amendment	27 Ill. Reg. 11367; July 25, 2003
121.125	New Section	27 Ill. Reg. 11367; July 25, 2003
121.145	Repeal	27 Ill. Reg. 11367; July 25, 2003

13) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

14) Information and questions regarding these Peremptory Amendments shall be directed to:

Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3<sup>rd</sup> Floor, Harris Bldg.  
Springfield IL 62762  
(217) 785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

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121.204	Failure to Respond to Initial Demand Letter (Recodified)
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121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)
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121.225	Meeting the Work Requirement with the Illinois Works Component (Repealed)
121.226	Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

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SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill.

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Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days;

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amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill.

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Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

- a) Eligible households whose net monthly income does not exceed the maximum monthly income standards shall be assigned food stamp benefits based on the net monthly food stamp income.
- b) The maximum net monthly income standards are:

Household Size	Amount
1.....	\$ <u>749</u> <del>739</del>
2.....	<u>1,010</u> <del>995</del>
3.....	<u>1,272</u> <del>1,252</del>
4.....	<u>1,534</u> <del>1,509</del>
5.....	<u>1,795</u> <del>1,765</del>
6.....	<u>2,057</u> <del>2,022</del>
7.....	<u>2,319</u>
8.....	<u>2,580</u> <del>2,535</del>
Each additional member.....	<u>262</u> <del>257</del>

Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003)

Section 121.61 Gross Monthly Income Eligibility Standards

- a) Gross Monthly Income Eligibility Standards

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- 1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)(~~2003~~ ~~1990~~)). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c) (~~2003~~ ~~1990~~)). To qualify for increased benefits, a household must contain a member who meets one of the following requirements:
  - A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
  - B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
  - C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
  - D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
  - E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).
  - F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
  - G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.
  - H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.

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- I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
- J) A member receives Railroad Retirement disability benefits.
- K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
- L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.
- 2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 ~~USC U.S.C.~~ 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).

b)	Household Size	Gross Income
	One Person	\$ <del>973</del> <u>960</u>
	Two Persons	<del>1,313</del> <u>1,294</u>
	Three Persons	<del>1,654</del> <u>1,628</u>
	Four Persons	<del>1,994</del> <u>1,961</u>
	Five Persons	<del>2,334</del> <u>2,334</u>

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	<del>2,295</del>	
Six Persons	<del>2,674</del>	
	<del>2,629</del>	
Seven Persons	<del>3,014</del>	
	<del>2,962</del>	
Eight Persons	<del>3,354</del>	
	<del>3,296</del>	
Each Additional Member	+ 341	
	<del>334</del>	

(Source: Peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003)

**Section 121.63 Deductions From Monthly Income**

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. ~~The standard deduction for a household size of one through 4 persons is \$134. The standard deduction for a household size of 5 persons is \$149. For households of 6 or more persons, the standard deduction is \$171. The standard deduction is equal to 8.31 percent of the net monthly income standard for the household size, or \$134, whichever is greater. The amount for a household of 6 or larger is calculated using the net monthly income standard for a household of 6. See Section 121.60 for the Net Monthly Income Standards.~~
- d) Dependent Care Deduction
  - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.
  - 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$200 per month for each child under age 2 and

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\$175 per month for each other dependent household member.

- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
  - 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed ~~\$378~~ \$300. ~~The shelter deduction shall not exceed \$367 for certification periods starting March 1, 2001 or later.~~
  - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (~~2003~~ 2000) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
  - 3) Shelter costs include only the following:
    - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
    - B) property taxes, State and local assessments and insurance on the structure itself; and
    - C) utility costs, as described in subsection (g) of this Section.
  - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
    - A) the household intends to return to the home;
    - B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
    - C) the home is not leased or rented during the absence of the household.

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- 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) Utility Costs
- 1) Utility costs include:
    - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
    - B) basic service fee for one telephone (including tax on the basic fee) of \$27; and
    - C) fees charged by the utility provider for initial installation.
  - 2) Utility deposits are not considered to be utility costs.
  - 3) Except for households that claim utility expenses for an unoccupied home, either the air conditioning/heating standard or the electricity standard must be used if the household is billed for air conditioning, heating or electricity. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of \$259. Those households that are not billed for air conditioning or heating but are billed for electricity must use the electricity standard allowance of \$155. Households living in rental housing who are billed on a regular basis by a landlord for costs for air conditioning, heating, or electricity must use the appropriate standard. If the air conditioning/heating standard allowance or the electricity standard allowance is used, then no other utility costs may be claimed. If actual utility costs are allowed because the household does not qualify for either standard, then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$27 per month is allowed.
  - 4) A household that is billed less often than monthly for its costs for heating, air conditioning, or electricity must continue to use the air

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conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate, between billing months.

- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance or the electricity standard allowance. When households (as defined at 7 CFR 273.1(a) (~~2003 2000~~)) live together, the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Illinois Home Energy Assistance Program (47 Ill. Adm. Code 100) shall be entitled to the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate (7 CFR 273.9 and 273.10(d)(6) (~~2003 2000~~)). Households who receive, apply for, or anticipate applying for a Low Income Energy Assistance Program (LIHEAP) (47 Ill. Adm. Code 100) payment during the 12-month period beginning with the date of the food stamp application shall be allowed the air conditioning/heating standard (7 CFR 273.9). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) When the household claims a utility expense for an unoccupied home (as defined in Section 121.63(f)(4)), actual utility expenses are allowed for the unoccupied home as well as the current residence. The air conditioning/heating standard or the electricity standard is not used for either home. The appropriate utility standard may be used if the household chooses not to claim utilities for the unoccupied home.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (~~2003 2000~~) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003)

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**Section 121.64 Food Stamp Benefit Amount**

- a) The monthly food stamp benefit amount is determined by subtracting 30% of the adjusted net monthly income from the maximum monthly food stamp benefit amount.
- b) Maximum Monthly Food Stamp Benefit Amount:

Household Size	Amount
1.....	\$ <del>141</del> <u>139</u>
2.....	\$ <del>259</del> <u>256</u>
3.....	\$ <del>371</del> <u>366</u>
4.....	\$ <del>471</del> <u>465</u>
5.....	\$ <del>560</del> <u>553</u>
6.....	\$ <del>672</del> <u>663</u>
7.....	\$ <del>743</del> <u>733</u>
8.....	\$ <del>849</del> <u>838</u>
Each additional member.....	\$ <del>106</del> <u>105</u>

- c) All one and two-person households will receive a minimum monthly food stamp benefit amount of \$10.
- d) **September Food Stamp Benefit Amount Adjustment**  
The annual revisions of maximum gross and net income standards, standard deduction, maximum excess shelter deduction and food stamp benefit amounts are effective October 1<sup>st</sup> of each year. Because the September fiscal month of certain households includes days which fall in the October calendar month, the portion of the September fiscal food stamp benefit amount covering October 1<sup>st</sup> and later must be increased to reflect the new standards.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(Source: Peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF WITHDRAWAL OF PROPOSED RULE

- 1) Heading of the Part: Substance Abuse Treatment and Intervention Services for Criminal Justice Clients.
- 2) Code Citation: 77 Ill. Adm. Code 2061
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2061.101	New
2061.103	New
2061.201	New
2061.203	New
2061.301	New
2061.303	New
2061.305	New
2061.307	New
2061.309	New
2061.311	New
2061.313	New
2061.315	New
2061.401	New
2061.403	New
2061.405	New
2061.407	New
2061.409	New
2061.411	New
2061.413	New
2061.415	New
2061.417	New
2061.419	New
2061.501	New
2061.503	New
2061.505	New
2061.507	New
2061.509	New
2061.511	New
2061.513	New
- 4) Date Notice of Proposed Rule Published in the Illinois Register: January 31, 2003, 27 Ill. Reg. 5.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED RULE

- 5) Reason for the withdrawal: The Department of Corrections has additional changes that need to be incorporated into this Rule.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
121.63	Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: July 11, 2003  
(27 Ill. Reg. 10181)
- 5) Reason for the Withdrawal: The Department proposed these amendments to Section 121.63 in order to standardize the food stamp housing costs for residents of a Community Integrated Living Arrangement (CILA) and residents of a Supportive Living Facility (SLF). These amendments are being withdrawn because the Department is working on another methodology which will be more beneficial to food stamp clients residing in CILAs. The Department anticipates proposing the revised rulemaking during the early part of 2004.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 16, 2003 through September 22, 2003 and have 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>
10/31/03	<u>Department of Central Management Services,</u> Travel (80 Ill. Adm. Code 2800)	7/11/03 27 Ill. Reg. 10148	10/14/03
11/2/03	<u>Department of Human Services,</u> Public Use of DHS Facilities (89 Ill. Adm. Code 546)	7/7/03 27 Ill. Reg. 9773	10/14/03
11/2/03	<u>Department of Natural Resources,</u> The Taking of Wild Turkeys – Spring Season (17 Ill. Adm. Code 710)	8/1/03 27 Ill. Reg. 12235	10/14/03
11/2/03	<u>State Board of Education,</u> Certification (23 Ill. Adm. Code 25)	7/11/03 27 Ill. Reg. 10150	10/14/03

## EXECUTIVE ORDERS

**2003-18****EXECUTIVE ORDER TO ESTABLISH COMPREHENSIVE HOUSING INITIATIVE**

WHEREAS, the State of Illinois does not have a comprehensive state housing policy;

WHEREAS, quality housing at every price point is a needed asset and economic engine in neighborhoods throughout the State and integral to Illinois' ability to achieve its goals related to economic development, sensible growth, education and health care;

WHEREAS, there is a shortage of affordable housing, which threatens the viability of many communities in the State;

WHEREAS, there is a shortage of safe, sanitary and accessible affordable housing that provides adequate services for people with disabilities in this State;

WHEREAS, the State of Illinois is committed to promoting a full range of quality housing choices near jobs, transit and other amenities for all Illinois residents;

WHEREAS, various constituencies have been historically underserved and segregated due to barriers and trends in the existing housing market and/or insufficient resources;

WHEREAS, the State should facilitate the preservation of existing homes and communities as well as the creation of new housing opportunities and, where appropriate, to promote mixed-income communities;

WHEREAS, it is therefore necessary that the State develop a comprehensive and unified policy for the development of affordable housing and the development of supportive services related to housing within the State, including the allocation of resources pursuant to that policy;

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Constitution of the State of Illinois, I hereby order the following:

**I. ESTABLISHMENT OF COMPREHENSIVE HOUSING PLAN**

During the period from the effective date of this Order through December 31, 2008, the agencies under the Governor's authority shall be guided by an annual comprehensive housing plan (the "Annual Comprehensive Housing Plan") that includes the development, preservation or rehabilitation of a range of housing options affordable to all citizens in all regions of the State, is consistent with the affirmative fair housing provisions of the Illinois Human Rights Act, and specifically addresses the following underserved populations:

## EXECUTIVE ORDERS

(1) Households earning below 50% of area median income, with particular emphasis on households earning below 30% of area median income.

(2) Low-income seniors.

(3) Low-income persons with any form of disability, including but not limited to physical disability, developmental disability, mental illness, co-occurring mental illness and substance abuse disorder, or HIV/AIDS.

(4) Homeless persons and persons determined to be at risk of homelessness.

(5) Low and moderate-income persons unable to afford housing near work or transportation.

(6) Low income persons residing in existing affordable housing that is in danger of becoming unaffordable or being lost.

## II. CREATION OF HOUSING TASK FORCE AND SUBCOMMITTEE

(a) The Annual Comprehensive Housing Plan shall be developed by a task force (the "Task Force") composed of the following persons or their designees: a representative from the Governor's Office or the Office of Management and Budget responsible for the allocation of bond volume cap for the State (the "Governor's Representative for Bond Cap"); a representative from the Lieutenant Governor's office; the Executive Director of the Illinois Housing Development Authority; the Secretary of the Department of Human Services; and the Directors of the Departments on Aging, Commerce and Economic Opportunity, Children and Family Services, Public Health, Public Aid and Transportation. The Governor may also invite and appoint representatives from the Illinois Institute for Rural Affairs of Western Illinois University; and the United States Departments of Housing and Urban Development and Agriculture. The Illinois General Assembly Speaker of the House of Representatives, the President of the Senate, and the minority leaders of the House of Representatives and the Senate may each appoint one representative to the Task Force. The Governor may appoint up to eighteen(18) housing experts to the Task Force, with proportional representation from urban, suburban and rural areas throughout the State. The Task Force shall be chaired by the Executive Director of the Illinois Housing Development Authority and shall be vice-chaired by a housing expert not from the government sector. The Task Force shall ensure that the Annual Comprehensive Housing Plan as adopted coordinates all housing policies within each State agency represented on the Task Force. The Task Force shall ensure that the Annual Comprehensive Housing Plan shall include, but not be limited to:

## EXECUTIVE ORDERS

(1) Goals for the number and type of housing units to be constructed, preserved or rehabilitated each year for the underserved populations identified in Section I of this Order, based on available housing resources.

(2) Funding recommendations for housing construction, preservation, rehabilitation, and supportive services where necessary, related to the underserved populations identified in Section I of this Order, based on the Annual Comprehensive Housing Plan.

(3) Recommended State actions that promote the construction, preservation, and rehabilitation of affordable housing by private sector, not-for-profit, and government entities and address those practices that impede its promotion.

(4) Specific suggestions, options and incentives for local governments and municipalities to develop their own comprehensive housing plan for their community.

(b) The Task Force shall complete the Annual Comprehensive Housing

Plan by December 31st of each year the Task Force is in existence and shall deliver the plan to the Governor and the General Assembly on that date or the first business day thereafter. Because of time constraints, the Annual Comprehensive Housing Plan formulated for the year 2004 will be modeled after the State's 2004 Consolidated Plan (the "Consolidated Plan") as required by United States Department of Housing and Urban Development ("HUD"). The Consolidated Plan is being filed with HUD in November of 2003 and will incorporate the various priorities set forth herein.

(c) The Task Force shall report on April 1st of each year the Task Force is in existence to the Governor and the General Assembly on progress made toward achieving the projected goals of the Annual Comprehensive Housing Plan during the previous 12 months and from the effective date of this Order.

(d) The Task Force shall have an Executive Committee made up of the following 12 members of the Task Force: the Chair, the Vice-Chair, the Governor's Representative for Bond Cap, the Secretary of the Department of Human Services or his or her designee, the Director of the Department of Commerce and Economic Opportunity or his or her designee, and seven (7) housing experts from the Task Force as designated by the Governor. The Executive Committee shall have the following responsibilities:

(1) to oversee and structure the operations of the Task Force;

(2) to create necessary subcommittees and appoint subcommittee members, with the advice of the Task Force, as the Executive Committee deems necessary;

## EXECUTIVE ORDERS

(3) to ensure adequate public input into the Annual Comprehensive Housing Plan;

(4) to involve, to the extent possible, appropriate representatives of the federal government, local governments and municipalities, public housing authorities, local continuum of care, for-profit and not-for-profit developers, supportive housing providers, business, labor, lenders and fair housing agencies;

(5) to coordinate, synthesize and prioritize the recommendations of the Task Force into the Annual Comprehensive Housing Plan and into the Annual Report;

(6) to draft the Annual Comprehensive Housing Plan and the Annual Report on behalf of the Task Force.

(e) A subcommittee of the Task Force (the "Intergovernmental Subcommittee") shall be formed consisting of the following members or their designees: the Executive Director of the Illinois Housing Development Authority, the Secretary of the Department of Human Services, the Directors of the Department on Aging, the Department of Commerce and Economic Opportunity, the Department of Public Aid, the Department of Public Health and the Department of Transportation, and the Governor's Representative for Bond Cap. The Intergovernmental Subcommittee shall be chaired by the Executive Director of Illinois Housing Development Authority or his or her designee.

### III. CREATION OF THE ILLINOIS HOUSING INITIATIVE

(a) The Illinois Housing Initiative (hereafter "the Initiative") is created for the period from the effective date of this Order through December 31, 2008. The purpose of the Initiative shall be to coordinate and streamline the allocation of available housing and supportive housing resources to make it more feasible to prioritize the development of housing for underserved populations in accordance with the Annual Comprehensive Housing Plan.

(b) The Governor directs the Intergovernmental Subcommittee to implement the Initiative by prioritizing the allocation of its resources to those priorities set forth by the Task Force in the Annual Comprehensive Housing Plan. The Intergovernmental Subcommittee shall determine a process to coordinate resources and funding allocations.

(c) As appropriate, the Illinois Housing Development Authority, in consultation with other members of the Intergovernmental Subcommittee, may coordinate the joint issuance of a Notice of Funding Availability (the "NOFA") notifying potential applicants that funding is available for developments serving certain needs as identified by the Task Force in the Annual Comprehensive Housing Plan. The NOFA will indicate the target number and type of housing units to be constructed, rehabilitated or preserved for the underserved populations identified in

## EXECUTIVE ORDERS

Section I of this Order or as otherwise identified by the Task Force in its Annual Comprehensive Housing Plan. The NOFA shall include, but not be limited to:

(1) the funding for acquisition, construction, rehabilitation or preservation costs that may be available for each type of housing;

(2) the funding for operating cost subsidies, including any rental assistance, that may be available for each type of housing;

(3) the funding for supportive services that may be available, if appropriate, for each type of housing;

(4) the eligibility requirements for applicants;

(5) the relevant program guidelines;

(6) the selection criteria and process; and

(7) the conditions that must be met by applicants and selected respondents.

(d) Recommendations for funding decisions shall be made by the Intergovernmental Subcommittee and then submitted for approval to the respective Intergovernmental Subcommittee member's agency director, secretary or board of directors, with whom ultimate authority for such an allocation of funds exists. Final funding decisions shall be made in accordance with applicable law.

(e) The Intergovernmental Subcommittee will report back to the Task Force on September 1st of each year the Task Force is in existence, identifying their progress in meeting the goals set forth by the Task Force in the Annual Comprehensive Housing Plan. In addition, each agency represented on the Intergovernmental Subcommittee shall report back to the Task Force on September 1st of each year the Task Force is in existence on the results of its resource allocations based upon the Annual Comprehensive Housing Plan and the Illinois Housing Initiative process. The annual report submitted by each agency shall include both those resources allocated to the Illinois Housing Initiative as well as other resources identified by the Intergovernmental Subcommittee.

#### **IV. IDENTIFICATION OF FUNDS AVAILABLE FOR HOUSING CONSTRUCTION, PRESERVATION, REHABILITATION, OPERATIONS AND SUPPORTIVE SERVICES**

(a) For each year of this Executive Order, the Intergovernmental Subcommittee shall identify the total moneys available through the Initiative for housing construction, rehabilitation, preservation, as well as any operating/rental subsidies and supportive services where necessary.

## EXECUTIVE ORDERS

The Intergovernmental Subcommittee shall also report these identified total moneys to the Executive Committee in order to support the creation of the Annual Comprehensive Housing Plan. The funding sources may include, but are not limited to, a portion of the following federal and State funds as are available to the State and are not otherwise committed as of the effective date of this Executive Order:

- (1) State Affordable Housing Trust Fund;
- (2) Federal HOME Program;
- (3) Federal Community Development Block Grant;
- (4) Housing Choice Vouchers;
- (5) Low income housing tax credits;
- (6) Donation tax credits;
- (7) Tax-exempt bond volume cap;
- (8) State general revenue funds;
- (9) Rental assistance programs, housing allowance programs, housing per diem programs, and other similar programs throughout state agencies;
- (10) Federal or other moneys that may become available;
- (11) Private grants, loans, and guarantees from local banks, foundations and businesses, if available and clearly allocated for this purpose;
- (12) Assistance available under the federal Housing Opportunities for Persons with AIDS (HOPWA) program;
- (13) State moneys matched by the federal government through the Medicaid program, state general revenue moneys, or other moneys for grants; and
- (14) Federal or state moneys received by and appropriated to state agencies that can be used for rental or housing assistance for persons in need of affordable supportive housing.

(b) To the extent possible, the State shall encourage municipalities and other local jurisdictions, including public housing authorities, to construct, rehabilitate and/or preserve

EXECUTIVE ORDERS

housing in their own communities for the underserved populations identified in Section I of this Order and to allocate some portion of their federal, State, or local moneys to the Illinois Housing Initiative.

This Order shall take effect immediately upon its adoption.

Rod R. Blagojevich, Governor

Issued by Governor: September 16, 2003

Filed with Secretary of State: September 17, 2003

## PROCLAMATIONS

**2003-204****September 19-21, 2003 as Helping Citizens With Development Disabilities Days**

*WHEREAS, the Illinois State Council of the Knights of Columbus will celebrate and conduct the 34<sup>th</sup> Annual Fund Drive for the Mental Retardation/Learning Disabilities Program; and*

*WHEREAS, this 34th Anniversary Drive will be held September 19-21 to help benefit citizens with developmental disabilities. Last fall, the Knights of Columbus raised more than \$1.8 million, which was distributed to more than 300 organizations throughout Illinois; and*

*WHEREAS, the Illinois State Council of the Knights of Columbus has provided funds and personal assistance to help youngsters to participate in the local and statewide Special Olympics programs; and*

*WHEREAS, the Illinois State Council of the Knights of Columbus has provided more than \$6 million to build and construct 46 homes for citizens with mental retardation in all six diocese in Illinois; and*

*WHEREAS, since the Illinois State Council of the Knights of Columbus initiated this program, 48 other states have begun similar campaigns to provide much needed financial assistance for the developmentally disabled.*

*THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 19 - 21, 2003 as HELPING CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS in Illinois.*

Issued by the Governor July 29, 2003

Filed by the Secretary of State September 12, 2003

**2003-205****October 13-19, 2003 as Mother of Multiples Week**

*WHEREAS, since 1962, the Illinois Organization of Mothers of Twins Clubs (IOMOTC) has grown to over 1200 members and has committed itself to a motto of, "strength through unity;" and*

*WHEREAS, the IOMOTC provides mothers of multiples with information on child development and support, as well as a network of friendship and advice; and*

## PROCLAMATIONS

*WHEREAS, the IOMOTC awards financial assistance to families of multiples through the Special Needs Assistance Fund (S.N.A.F.), and through its scholarship fund for parents wishing to further their education; and*

*WHEREAS, each year, the IOMOTC selects a philanthropic project that serves to benefit women or children; and*

*WHEREAS, during every third week in October, the IOMOTC holds its annual conference wherein they decide on their philanthropic project, provide opportunities for networking and discussion, and host numerous informative speakers and workshops:*

*THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of October 13, 2003 as MOTHER OF MULTIPLES WEEK in Illinois.*

Issued by the Governor July 29, 2003

Filed by the Secretary of State September 12, 2003

**2003-206****September 28, 2003 as Partnership Walk Day**

*WHEREAS, the Aga Khan Development Network (AKDN) is a private, international, and non-denominational organization comprised of eight agencies who dedicate themselves to the fostering of long-term socio-economic development in impoverished nations, geographically focusing on the regions of South and Central Asia and East Africa; and*

*WHEREAS, the Aga Khan Foundation (AKF USA) is one of these agencies, which collaborates with various international organizations, United States governmental agencies and department, and the World Bank; and*

*WHEREAS, AKDN carries out comprehensive development programs with innovative plans of action that include public and private sector cooperation, partnerships with like-minded financial and intellectual organizations, long-term commitments by program implementers, and international teams that review and evaluate program progress; and*

*WHEREAS, since 1995, AKF USA and AKDN have sponsored Partnership Walks in cities throughout the United States to help the most vulnerable segments of population while raising money and public awareness for international development; and*

## PROCLAMATIONS

*WHEREAS, in conjunction with the United Nations International Year of Freshwater 2003, this year's walk theme is "Water for Life," highlighting some of the strides that AKDN has made in improving the health and well-being of numerous remote communities by creating easier access to clean and safe water.*

*THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 28, 2003 as PARTNERSHIP WALK DAY in Illinois, and I encourage all citizens to support this organization in their efforts to reduce global poverty.*

Issued by the Governor July 29, 2003  
Filed by the Secretary of State September 12, 2003

**2003-207****August 25-29, 2003 as School's Open Safety Week**

*WHEREAS, children all across the state are beginning a new school year; and*

*WHEREAS, motorists need to remember that students will be walking or biking to school on neighborhood sidewalks and streets, approaching or waiting at school bus stops, and boarding or alighting from buses; and*

*WHEREAS, motorists can help protect children by being especially vigilant near schools and in residential areas, watching their speed, observing traffic control devices and obeying school crossing guards; and*

*WHEREAS, it is important to increase all motorists' awareness of the need to be alert for children at school crossings, to review and follow the rules of the road as they apply to school zones and school buses, and to be respectful of the American Automobile Association's (AAA) School Safety Patrol members as they perform their important duties:*

*THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 25 - 29, 2003 as SCHOOL'S OPEN SAFETY WEEK in Illinois, and I strongly encourage all citizens to join in observing the importance of our children's safety.*

Issued by the Governor July 29, 2003  
Filed by the Secretary of State September 12, 2003

**2003-208**

## PROCLAMATIONS

**September 28- October 1, 2003 as Minority Enterprise Development Week**

- WHEREAS, the Minority Business Development Agency (MBDA) was established in 1969, as part of the U.S. Department of Commerce, to foster the growth of minority business enterprises of all sizes so that they may expand and contribute more wealth to minority communities; and*
- WHEREAS, the MBDA provides funding for minority business development centers; these centers offer consultation, advice, and other services to minority entrepreneurs in order to help their businesses become more profitable and successful; and*
- WHEREAS, Chicago, Illinois is proud to be home to one of the five regional offices of the MBDA that oversees the distribution of funds and assistance to development centers on a multi-state level; and*
- WHEREAS, the economic welfare and vitality of the state of Illinois is incumbent upon the prosperity of its minority communities; and*
- WHEREAS, National Minority Enterprise Development Week will highlight some of the unique challenges faced by minority businesses as well as promote innovative solutions to minority business development:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 28 - October 1, 2003 as MINORITY ENTERPRISE DEVELOPMENT WEEK in Illinois.*

Issued by the Governor August 07, 2003

Filed by the Secretary of State September 12, 2003

**2003-209****September 28- October 4, 2003 as Temporary Help Week**

- WHEREAS, the temporary help industry provides employment flexibility, which is an increasingly important factor in promoting a strong U.S. economy; and*
- WHEREAS, flexible and diverse work arrangements facilitated by the temporary help industry encourage higher labor force participation; and*
- WHEREAS, the staffing industry has created more than one million new jobs since 1991; and*

## PROCLAMATIONS

*WHEREAS, by allowing firms to expand their labor force, despite uncertain demand conditions, the temporary help industry increases the capacity for businesses to adjust to changing markets and perform more effectively; and*

*WHEREAS, multiple surveys show that as many as 95 percent of businesses rely, to some degree, on staffing companies for temporary help; and*

*WHEREAS, temporary employees, freelancers, independent professionals, and consultants comprised 28 percent of the United States work force and totaled over 30 million workers in 2002:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 28 - October 4, 2003 as TEMPORARY HELP WEEK in Illinois.*

Issued by the Governor August 08, 2003

Filed by the Secretary of State September 12, 2003

**2003-210****September 21-27, 2003 as Yellow Ribbon Suicide Awareness and Prevention Week**

*WHEREAS, suicide is one of the most tragic events that a family and a community can endure; and*

*WHEREAS, suicide is the third leading cause of death among youth and adolescents, occurring at a national rate of over 30,000 youth suicides annually; and*

*WHEREAS, research has shown that 95% of suicides are preventable, and statistics show that awareness, education, and action can save lives; and*

*WHEREAS, the issue of suicide is of extreme importance in the United States, and immediate attention must be given to promoting awareness and improving prevention strategies; and*

*WHEREAS, the State of Illinois is working hard to prevent suicides through various programs such as suicide hotlines, and the Yellow Ribbon Campaign; and*

*WHEREAS, the Yellow Ribbon Campaign is an outreach program that helps to promote education about suicide, and combat the stigma that prevents people from seeking the help that can save a life; and*

## PROCLAMATIONS

*WHEREAS, the Yellow Ribbon Campaign is rapidly becoming an internationally recognized initiative for awareness and prevention of suicide, and yellow ribbons are recognized and used nationwide by prevention groups, crisis centers, schools, churches, youth groups, hospitals, and by youth themselves:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim 21-27, 2003 as YELLOW RIBBON SUICIDE AWARENESS AND PREVENTION WEEK, and I urge all citizens to wear a yellow ribbon, thereby helping to increase public knowledge of this serious and tragic crisis among our youth.*

Issued by the Governor August 08, 2003

Filed by the Secretary of State September 12, 2003

**2003-211****August 24, 2003 as Ukrainian Independence Day**

*WHEREAS, on August 24, 1991, the Parliament of Ukraine consented to the wishes of the Ukrainian people by formally declaring an independent Ukrainian state; and*

*WHEREAS, in its twelfth year of independence, Ukraine has proven itself to be a strong advocate of human rights, and an inspiration to the world through achievements in ethnic and religious tolerance, voluntary denuclearization, international peacekeeping and economic and political reform; and*

*WHEREAS, Ukraine's adoption of a progressive constitution provided the foundation for a decentralized economic system, and helped to fully integrate Ukraine into the community of economically self-sufficient and democratic European nations; and*

*WHEREAS, this month, citizens of Ukrainian descent in the State of Illinois will celebrate the independence of their homeland:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 24, 2003 as UKRANIAN INDEPENDENCE DAY in Illinois, and I encourage all citizens to join and recognizing the great contributions that Ukrainian Americans have made to this state.*

Issued by the Governor August 12, 2003

Filed by the Secretary of State September 12, 2003

## PROCLAMATIONS

**2003-212****September 1-5, 2003 as National Payroll Week**

- WHEREAS, since 1996, the American Payroll Association and its more than 21,000 members have celebrated National Payroll Week; and*
- WHEREAS, this week serves to acknowledge the millions of workers and payroll professionals who support the American system by paying wages, reporting worker earnings, and withholding federal employment taxes; and*
- WHEREAS, payroll professionals in Illinois play a key role in maintaining Illinois' economic health by paying into the unemployment insurance system, providing information to enforce child support laws, and carrying out tax withholding, reporting and depositing; and*
- WHEREAS, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems in addition to improving compliance measures with government procedures; and*
- WHEREAS, this year's theme, "America Works Because We're Working For America" celebrates the unique partnership among America's workers, companies, payroll professionals, and critical government programs such as Social Security, Medicare, fair labor standards, and child support; and*
- WHEREAS, National Payroll Week is a nationwide campaign to help America's workers understand more about their paychecks, the payroll withholding system, and other payroll-driven benefits:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 1-5, 2003 as NATIONAL PAYROLL WEEK in Illinois.*

Issued by the Governor August 15, 2003

Filed by the Secretary of State September 12, 2003

**2003-213****September 2003 as 5-A-Day Month**

- WHEREAS, the 5-A-Day for Better Health Program was established in 1991 by the National Cancer Institute, the United States Department of Health and*

## PROCLAMATIONS

*Human Services, and the Produce for Better Health Foundation, and has evolved into the largest national public-private nutrition program in the country; and*

*WHEREAS, since the inception of the 5-A-Day Program, the percentage of Americans eating the correct daily amount of fruits and vegetables has increased from 8% to 36% nationwide; and*

*WHEREAS, the Illinois Department of Human Services and the Illinois Department of Public Health recommend that people reduce their intake of fats and increase their consumption of high fiber foods, such as fruits and vegetables, to help reduce the risk of cancer and heart disease; and*

*WHEREAS, only 23 percent of Illinoisans eat five fruits and vegetables a day and only 40 percent of Illinoisans get the recommended 30 minutes of physical activity a day; and*

*WHEREAS, the Illinois Department of Human Services and the Illinois Department of Public Health support the 5-A-Day goal:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2003 as 5-A-DAY MONTH in Illinois, and urge all citizens to pursue a healthy and active lifestyle.*

Issued by the Governor August 18, 2003

Filed by the Secretary of State September 12, 2003

**2003-214****September 5, 2003 as Centralia, Illinois Save a Life Through Blood Donation Day**

*WHEREAS, the current demand for blood products is growing as the American population ages and medical advances require increasing amounts of blood for surgical procedures; and*

*WHEREAS, every two seconds, someone in America needs blood, and just one pint of blood can save as many as three lives; and*

*WHEREAS, the Red Cross is seeking to increase the number of eligible blood donors and the number of times that they donate; and*

*WHEREAS, the Save A Life Tour 2003 is the largest campaign in the history of the American Red Cross, running from May - November of 2003, and*

## PROCLAMATIONS

*spanning the entire United States; this campaign will raise awareness of the daily need for blood, and help to increase the nation's blood supply; and*

*WHEREAS, The Save a Life Tour will make three stops in the state of Illinois; and*

*WHEREAS, the residents of Centralia, Illinois are committed to helping the Red Cross reach its goal of 3,000,000 blood donations over a six-month period:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Friday, September 5, 2003 as CENTRALIA, ILLINOIS SAVE A LIFE THROUGH BLOOD DONATION DAY in Illinois.*

Issued by the Governor August 18, 2003

Filed by the Secretary of State September 12, 2003

**2003-215****September 2003 as Diabetes Prevention Month**

*WHEREAS, diabetes has reached epidemic proportions in the United States. In Illinois alone, more than 500,000 adults (age 18 and older) are living with the disease. An estimated 3 million people are at increased risk for developing diabetes due to age, obesity, and a sedentary lifestyle; and*

*WHEREAS, Type 2 Diabetes can be prevented, even in those who are at high risk, by changing one's lifestyle with an improved diet, increased physical activity, and/or modest weight loss; and*

*WHEREAS, numerous studies show that people with diabetes can prevent or delay the progression of complications with this disease by practicing goal-oriented management of blood glucose, lipids and blood pressure, receiving diabetes self-management education, ensuring proper food intake and physical activity, maintaining a healthy body weight, and receiving recommended eye and foot examinations; and*

*WHEREAS, during the month of September 2003, the Illinois Department of Human Services, in coordination with the Diabetes Prevention and Control Program's "Small Steps. Big Rewards. Prevent Type 2 Diabetes" workshop, will promote the importance of lifestyle changes in preventing diabetes based on the guidelines developed by the National Diabetes Education Program; and*

## PROCLAMATIONS

*WHEREAS, Diabetes Prevention Month will focus national attention on the disease, increasing awareness of prevention measures, treatment options, and general knowledge about Diabetes:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2003 as DIABETES PREVENTION MONTH in Illinois.*

Issued by the Governor August 18, 2003

Filed by the Secretary of State September 12, 2003

**2003-216****September 3, 2003 as Effingham, Illinois Save a Life Through Blood Donation Day**

*WHEREAS, the current demand for blood products is growing as the American population ages and medical advances require increasing amounts of blood for surgical procedures; and*

*WHEREAS, every two seconds, someone in America needs blood, and just one pint of blood can save as many as three lives; and*

*WHEREAS, the Red Cross is seeking to increase the number of eligible blood donors and the number of times that they donate; and*

*WHEREAS, the Save A Life Tour 2003 is the largest campaign in the history of the American Red Cross, running from May - November of 2003, and spanning the entire United States; this campaign will raise awareness of the daily need for blood, and help to increase the nation's blood supply; and*

*WHEREAS, The Save a Life Tour will make three stops in the state of Illinois; and*

*WHEREAS, the residents of Effingham, Illinois are committed to helping the Red Cross reach its goal of 3,000,000 blood donations over a six-month period:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Wednesday, September 3, 2003 as EFFINGHAM, ILLINOIS SAVE A LIFE THROUGH BLOOD DONATION DAY in Illinois.*

Issued by the Governor August 18, 2003

Filed by the Secretary of State September 12, 2003

**2003-217**

## PROCLAMATIONS

**September 4, 2003 as Mascoutah, Illinois Save a Life Through Blood Donation Day**

- WHEREAS, the current demand for blood products is growing as the American population ages and medical advances require increasing amounts of blood for surgical procedures; and*
- WHEREAS, every two seconds, someone in America needs blood, and just one pint of blood can save as many as three lives; and*
- WHEREAS, the Red Cross is seeking to increase the number of eligible blood donors and the number of times that they donate; and*
- WHEREAS, the Save A Life Tour 2003 is the largest campaign in the history of the American Red Cross, running from May - November of 2003, and spanning the entire United States; this campaign will raise awareness of the daily need for blood, and help to increase the nation's blood supply; and*
- WHEREAS, The Save a Life Tour will make three stops in the state of Illinois; and*
- WHEREAS, the residents of Mascoutah, Illinois are committed to helping the Red Cross reach its goal of 3,000,000 blood donations over a six-month period:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Thursday, September 4, 2003 as MASCOUTAH, ILLINOIS SAVE A LIFE THROUGH BLOOD DONATION DAY in Illinois.*

Issued by the Governor August 18, 2003

Filed by the Secretary of State September 12, 2003

**2003-218****September 6, 2003 as Otis Skillings Day**

- WHEREAS, Otis Skillings is a widely respected musician, arranger, composer, orchestra conductor, pianist and workshop clinician; and*
- WHEREAS, Mr. Skillings has composed hundreds of songs throughout his career, many of which have been translated into various languages. Millions of copies of his songs have been published and distributed throughout the world; and*

## PROCLAMATIONS

*WHEREAS, the music of Mr. Skillings has been performed at the White House, on network television, at the Republican and Democratic National Conventions, and at the Super Bowl; and*

*WHEREAS, Mr. Skillings has served as Minister of Music in a number of leading churches in America. Presently, serves in this capacity at Temple Baptist Church where his Praise Chorale is one of the most widely respected choirs in the country; and*

*WHEREAS, along with his wife Mervyl, Mr. Skillings has taught, performed and ministered in countries around the world and in every continent except for Antarctica:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 6, 2003 as OTIS SKILLINGS DAY in Illinois, and I encourage all citizens to join in celebrating Mr. Skillings' terrific contributions to our state, and to the music industry worldwide.*

Issued by the Governor August 18, 2003

Filed by the Secretary of State September 12, 2003

**2003-219****September 2003 as National Alcohol and Drug Addiction Recovery Month**

*WHEREAS since 1967, the Illinois Alcoholism and Drug Dependence Association (IADDA) has worked to educate the public about substance abuse and addiction, in addition to representing more than 100 treatment and prevention agencies across Illinois; and*

*WHEREAS, addiction is a chronic illness linked to brain chemistry and can cost the criminal justice system, hospitals, and government services large amounts of money; and*

*WHEREAS, substance abuse and co-existing mental and physical disorders are major public health problems that affect millions of Americans of all ages, races, and ethnic backgrounds in all communities, and have huge medical, societal, and economic costs; and*

*WHEREAS, people with substance abuse disorders deserve access to the services they need to make a full recovery; and*

## PROCLAMATIONS

- WHEREAS, National Alcohol and Drug Addiction Recovery Month allows those involved with the treatment of addiction the opportunity to educate the public about the effectiveness of treatment; and*
- WHEREAS, this years theme, “Join the Voices for Recovery: Celebrating Health,” highlights the need for everyone to support the fight against addiction, and to assist current addicts to turn their lives around by adopting healthy lifestyles:*
- THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the month of September 2003 as NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH in Illinois.*

Issued by the Governor August 25, 2003  
Filed by the Secretary of State September 12, 2003

**2003-220****September 20, 2003 as National Public Lands Day**

- WHEREAS, America’s system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, gardens and other landmark areas throughout the nation that individually and collectively represent irreplaceable national resources; and*
- WHEREAS, public lands provide locally accessible natural and cultural resources for environmental learning, wildlife appreciation and recreation; and*
- WHEREAS, land conservation builds awareness among urban dwellers with concerns about planned development, shared land use, preservation of wild areas and national habitats, and the benefits realized by diligent restoration and enhancement efforts; and*
- WHEREAS, on September 20, 2003, as part of the Tenth Annual National Public Lands Day, approximately 80,000 volunteers will be at 500 sites throughout the country providing “Helping Hands for America’s Lands”; and*
- WHEREAS, National Lands Day, co-sponsored by the National Environmental Education and Training Foundation, the Bureau of Land Management, the Bureau of Reclamation, the Department of Defense, the National Park Service, the Tennessee Valley Authority, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and*

## PROCLAMATIONS

*Wildlife Service and, the USDA Forest Service, has become an annually anticipated event for local participation on publicly held lands in Illinois:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 20, 2003 as NATIONAL PUBLIC LANDS DAY in Illinois, and I encourage all citizens to recognize and participate in this special observance.*

Issued by the Governor August 25, 2003

Filed by the Secretary of State September 12, 2003

**2003-221****September 21, 2003 as National Women's Friendship Day**

*WHEREAS, friendship among women is central to the success and well-being of women in Illinois; women friends create a climate of care and support that strengthens them in times of need and in times of joy, which can help to maintain healthy families and promote more vibrant communities; and*

*WHEREAS, Illinois has been a long time advocate of women and has recognized and supported the vital role they play in the lives of other women; and*

*WHEREAS, recent legislative initiatives have focused on issues relating to the general welfare of women in Illinois, and have helped to create an environment where women can continue to prosper individually while bonding together as a powerful and influential force in all facets of Illinois life; and*

*WHEREAS, National Women's Friendship Day is a day to acknowledge and celebrate the special role women play in the lives of other women in Illinois:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 21, 2003 as NATIONAL WOMEN'S FRIENDSHIP DAY in Illinois and encourage all citizens to join in this special observance.*

Issued by the Governor August 28, 2003

Filed by the Secretary of State September 12, 2003

**2003-222****September 16, 2003 as Take a Loved One To the Doctor Day**

*WHEREAS, in the United States there exists a serious health gap between racial and ethnic minority populations and the general public; and*

## PROCLAMATIONS

*WHEREAS, African Americans, American Indians and Alaska Natives, Asian Americans, Hispanic Americans, Native Hawaiians, and other Pacific Islanders suffer from serious disparities in health status and outcomes; and*

*WHEREAS, heart disease and stroke, cancer, diabetes, infant mortality and Sudden Infant Death Syndrome, HIV/ AIDS and lack of immunizations against disease are major causes of the health disparities; and*

*WHEREAS, prevention, early detection of disease, and prompt referral to quality health care are essential steps to reducing these and other health disparities; and*

*WHEREAS, the Public Health Community knows all individuals can make a difference not only in their own health but in the health of others, and that community norms regarding medical visits and care are important factors influencing the health of a community; and*

*WHEREAS, the efforts of local communities working together with partners and volunteers to improve the health status of all Americans have proven to be essential to promoting healthy behavior; and*

*WHEREAS, the United States Department of Health and Human Services has been engaged in a national "Closing The Health Gap" campaign aimed at encouraging individuals to live healthier lives and to visit a health care professional; and*

*WHEREAS, the Secretary of Health and Human Services has declared September 16, 2003 as "Take A Loved One to the Doctor Day" to focus attention on health care for those most in need;*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 16, 2003 as TAKE A LOVED ONE TO THE DOCTOR DAY in Illinois.*

Issued by the Governor August 28, 2003

Filed by the Secretary of State September 12, 2003

**2003-223**

**September 14-20, 2003 as United States Coast Guard Auxiliary Week**

*WHEREAS, the United States Coast Guard and the United States Coast Guard Auxiliary are vital parts of Homeland Security; and*

## PROCLAMATIONS

*WHEREAS, members of the United States Coast Guard Auxiliary volunteer their time to benefit the citizens of the State of Illinois and the United States of America; and*

*WHEREAS, the auxiliary's volunteer contributions in assisting the Coast Guard during this period of surge maritime security operations totaled an impressive 360,000 mission hours; and*

*WHEREAS, as the nation and the Coast Guard stood in high alert, the auxiliary's operational capability and capacity proved once again to be one of our most cherished assets on the water and in the air; and*

*WHEREAS, the United States Coast Guard Auxiliary celebrated its 64<sup>th</sup> year June 2003; and*

*WHEREAS, Illinois is one of thirteen states in the United States Coast Guard Auxiliary 8<sup>th</sup> Western Rivers District, holding their fall conference in Peoria, IL:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 14-20, 2003 as UNITED STATES COAST GUARD AUXILARY WEEK in Illinois.*

Issued by the Governor August 28, 2003

Filed by the Secretary of State September 12, 2003

**2003-224**

**September 11, 2003 as Patriot Day**

*WHEREAS, two years ago today, Illinois and the nation suffered a devastating attack on our soil, taking the lives of over 3,000 innocent Americans; and*

*WHEREAS, on that day, the heroism of the first responders redefined the American spirit; and*

*WHEREAS, the resolve of our state and our nation is strong in the campaign to preserve our liberty and protect our people; and*

*WHEREAS, we must continue to take whatever action is necessary to leave our children a world that is safer from the threat of terrorism; and*

*WHEREAS, this two year anniversary, as well as anniversaries of subsequent, shall be a time both of remembrance and renewal commitment to freedom;*

## PROCLAMATIONS

*THEREFORE, I Rod. R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 11, 2003 as PATRIOT DAY in Illinois. I call on all citizens of the State of Illinois to observe one minute of silence at 7:46 AM in commemoration of lives lost, and order all State facilities to fly flags at half-mast for the course of the day.*

Issued by the Governor September 09, 2003

Filed by the Secretary of State September 12, 2003

**2003-225****October 2003 as Chiropractic Health Care Month**

*WHEREAS, chiropractors have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development and health maintenance; and*

*WHEREAS, doctors of chiropractic medicine are active in community programs throughout the United States that are aimed at improving the health of its citizens; and*

*WHEREAS, more than 30 million people in the United States and about 2 million people in the state of Illinois visited a doctor of chiropractic medicine last year; and*

*WHEREAS, the Illinois Chiropractic Society is dedicated to protecting and promoting patient rights, chiropractic medicine, and fostering the growth of chiropractic through ongoing training and a commitment to safe and ethical practices; and*

*WHEREAS, the science of chiropractic and the physicians who practice it have contributed greatly to the better health of the citizens of Illinois:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2003 as CHIROPRACTIC HEALTH CARE MONTH in Illinois.*

Issued by the Governor August 25, 2003

Filed by the Secretary of State September 15, 2003

**2003-226****October 8- October 14, 2003 as Mighty Eighth Air Force Week**

## PROCLAMATIONS

- WHEREAS, over one million Americans have served with the Eighth Air Force, while defending their country in times of war and peace; and*
- WHEREAS, during World War II, the Eighth Air Force was formed and dispatched and immediately became not only the largest military unit in the war, but also the largest bomber force of all time; and*
- WHEREAS, the Eighth Air Force lost over 100 bombers to enemy action over the skies of Europe during a week-long bombing campaign lasting from October 8 through October 14, 1943; and*
- WHEREAS, throughout their existence, the Eighth Air Force has seen over 26,000 of their rank killed in action, over 28,000 be held as prisoners of war and countless others missing or wounded in action; and*
- WHEREAS, today, over 20,000 members of the Eighth Air Force Historical Society work diligently to ensure that future generations are aware of the sacrifices and triumphs of the Eighth Air Force; and*
- WHEREAS, a 90,000 square foot museum commemorating the Eighth Air Force was dedicated on May 14, 1996 in Pooler, Georgia:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 8 – October 14, 2003 as MIGHTY EIGHTH AIR FORCE WEEK in Illinois.*

Issued by the Governor August 25, 2003

Filed by the Secretary of State September 15, 2003

**2003-227****September 2003 as Youth Soccer Month**

- WHEREAS, more than 19 million children between the ages of six and 19 participate in youth soccer, with over 80,000 of those participants coming from Illinois alone, making the level of participation in youth soccer higher than peewee football, youth basketball or Little League baseball; and*
- WHEREAS, participation in youth soccer reflects the goals established by the President's Council on Physical Fitness and Sports, which understands the link between physical activity and good health; and*
- WHEREAS, soccer can serve as an outlet for many inner-city kids and has numerous psychological, social and physical benefits; and*

## PROCLAMATIONS

*WHEREAS, other numerous organizations, such as US Youth Soccer, the largest youth soccer organization in the United States, the United States Soccer Federation, the nation's governing body for soccer, and the President's Council on Physical Fitness and Sport, have realized the benefits of declaring September as Youth Soccer Month:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2003 as YOUTH SOCCER MONTH, and encourage all young Americans to realize the benefits of participating in youth soccer organizations.*

Issued by the Governor September 01, 2003

Filed by the Secretary of State September 15, 2003

**2003-228****September 14- September 20, 2003 as National Rehabilitation Awareness Week**

*WHEREAS, nearly 50 million Americans are currently dealing with various disabilities and nearly 2 million reside in the State of Illinois; and*

*WHEREAS, rehabilitation services and health care employees such as physicians, nurses, physical and occupational therapists, social services personnel, administrators, and support staff are vital components in modern health care; and*

*WHEREAS, Marianjoy Rehabilitation Hospital has been providing rehabilitation care to people in Chicagoland communities for 30 years and continues to be a valuable resource to these communities; and*

*WHEREAS, Marianjoy Rehabilitation Hospital salutes rehabilitative care personnel and the important role they play in maintaining the Chicagoland area as a healthy and productive community:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 14 – September 20, 2003 as NATIONAL REHABILITATION AWARENESS WEEK in Illinois.*

Issued by the Governor September 10, 2003

Filed by the Secretary of State September 15, 2003

**2003-229****September 21- September 27, 2003 as Older Workers Week**

## PROCLAMATIONS

*WHEREAS, the number of older workers and older people seeking work is increasing as the nation ages and workers continue to push back the traditional retirement age; and*

*WHEREAS, by the year 2010, there will be a severe labor shortage as Baby Boomers begin to retire and fewer younger workers will be available, unless we can keep older, productive people working; and*

*WHEREAS, the older worker is often subject to multiple forms of discrimination in the workplace, such as denial of job placement, training and promotion; and*

*WHEREAS, the State of Illinois recognizes the value of the experience brought by an older worker; and*

*WHEREAS, the State of Illinois also recognizes that older workers are just as capable and work just as hard as other workers, taking fewer sick days, adapting to new technologies successfully and often remaining more loyal to their employers; and*

*WHEREAS, the State of Illinois offers a number of programs to aid the older worker, including education, counseling and job training:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 21 – September 27, 2003 as OLDER WORKERS WEEK in Illinois, and encourage all citizens to recognize the benefits of working with a diverse age group.*

Issued by the Governor September 10, 2003

Filed by the Secretary of State September 15, 2003

**2003-230****September 19, 2003 as POW/MIA Recognition Day**

*WHEREAS, more than 90,000 Americans are still missing and unaccounted for from the American military conflicts since World War II, including nearly 2000 from the Vietnam War, more than 8000 from the Korean War and over 78,000 from World War II; and*

*WHEREAS, much still needs to be done to account for POW/MIAs with the governments of Laos, Cambodia, Vietnam, Russia, China, North Korea and others; and*

## PROCLAMATIONS

*WHEREAS, U.S. Intelligence and other evidence indicates that Vietnam could account for numerous missing Americans, including over 400 missing in Laos and Cambodia alone; and*

*WHEREAS, the National League of Families of American Prisoners and Missing in Southeast Asia, a group established in Washington, D.C. in 1970, exists to obtain the release of all prisoners, as well as to obtain the fullest possible accounting for the missing and repatriation of all recoverable remains of those who died serving our nation during the Vietnam War; and*

*WHEREAS, the League's highest priority is resolving the live prisoner question, which is believed to be most relevant in Vietnam, Laos and Cambodia, as numerous Americans are known to have been alive in captivity and were not returned at the end of the war; and*

*WHEREAS, the recovery of our POW/MIAs is of the highest national interest and requires a bi-partisan, nation-wide effort:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 19, 2003 as POW/MIA RECOGNITION DAY in Illinois, and encourage all citizens to take time to remember those who fought bravely and who still have not been accounted for today.*

Issued by the Governor September 12, 2003

Filed by the Secretary of State September 15, 2003

**2003-231****September 22, 2003 as National Family Day- A Day To Eat Dinner With Your Children**

*WHEREAS, the use of illegal drugs and the abuse of alcohol and nicotine are detrimental to the well-being of America's youth; and*

*WHEREAS, parental influence is known to be one of the most critical factors in determining the likelihood of substance abuse by teenagers; and*

*WHEREAS, surveys conducted by the National Center on Addiction and Substance Abuse have consistently found that children who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes and alcohol; and*

## PROCLAMATIONS

*WHEREAS, in families who virtually never eat together, 72% of teenagers are more likely than the average teenager to use illegal drugs, alcohol and cigarettes; and*

*WHEREAS, the State of Illinois recognizes that family dinners, a substantial pillar of family life in America, are an important way to help our children grow up drug free:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Monday, September 22, 2003 as NATIONAL FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN in Illinois, and I encourage all families to recognize the importance of eating dinner as a family as a positive step towards raising drug-free children.*

Issued by the Governor September 12, 2003

Filed by the Secretary of State September 15, 2003

**2003-232****October 5- October 11, 2003 as Resident's Rights Week**

*WHEREAS, there are currently more than 100,000 Illinois citizens living in long-term-care facilities, including nursing homes and assisted living facilities; and*

*WHEREAS, due to advances in medicine and living healthier life-styles, the number of people over the age of 65 is projected to double by the year 2050; and*

*WHEREAS, increased longevity amongst a population brings increased risk of chronic illnesses, thus Americans over the age of 65 have a 40% risk of developing a chronic illness; and*

*WHEREAS, due to increased longevity, increased risks of developing a chronic illness and numerous other risks associated with aging, Americans over the age of 65 face a 75% chance of requiring some form of long-term-care; and*

*WHEREAS, these citizens are guaranteed certain rights associated with their long-term-care: the right to safety, to privacy, to participate in their own care, to manage their own money, to remain at the facility, and to apply for Medicaid or Medicare; and*

*WHEREAS, long-term-care residents are also guaranteed the same rights as all other citizens; and*

## PROCLAMATIONS

*WHEREAS, long-term-care residents are often subject to varying forms of abuse and neglect, as well as many difficulties associated with the financial burden of long-term-care:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 5 – October 11, 2003 as RESIDENT’S RIGHTS WEEK in Illinois, and encourage all citizens to be cognizant of the many difficulties faced while residing in long-term-care.*

Issued by the Governor September 12, 2003

Filed by the Secretary of State September 15, 2003

**2003-233****October 2003 as Breast Cancer Awareness Month and October 17, 2003 as Mammography Day**

*WHEREAS, this year will mark the 19<sup>th</sup> year that the United States has recognized October as National Breast Cancer Awareness Month, an observance which helps provide education and understanding about the importance of early detection for breast cancer; and*

*WHEREAS, in 2003, over 200,000 people, mostly women, will be diagnosed with breast cancer and more than 10,000 of them will reside in Illinois; and*

*WHEREAS, mammography, an “X-ray” of the breast, is recognized as the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt; and*

*WHEREAS, since 1993, the United States has recognized the third Friday in October as Mammography Day and, last year, more than 680 American College of Radiology accredited facilities took part by providing discounted or free screening mammograms; and*

*WHEREAS, research shows that deaths from breast cancer could be reduced by at least 30% if women follow breast cancer screening recommendations, including routine mammography, regular examinations by a physician, and monthly self-exams:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2003 as BREAST CANCER AWARENESS MONTH and October 17, 2003 as MAMMOGRAPHY DAY in Illinois, and encourage all citizens to join me in the continued fight against breast cancer.*

## PROCLAMATIONS

Issued by the Governor September 12, 2003  
Filed by the Secretary of State September 15, 2003

**2003-234****September 26, 2003 as Indian Day**

*WHEREAS, 4.1 million Americans share American Indian or Alaska Native ancestry, comprising 1.5% of the total population, while 2.5 million are solely Native American or Alaska Native and more than 30,000 reside in Illinois; and*

*WHEREAS, Native Americans and Alaska Natives own nearly 200,000 businesses, employing nearly 300,000 people and generating more than \$30 billion in revenue; and*

*WHEREAS, more than 700,000, or almost 26% of Native Americans and Alaska Natives, are below the poverty line, while more than a quarter of their population lacks adequate health insurance coverage; and*

*WHEREAS, there are more than 550 federally recognized tribes in the United States, sharing a special, legal relationship with the federal government; and*

*WHEREAS, Native Americans and Alaska Natives are subject to the same federal laws and often state and local laws, in addition to tribal laws, while living as U.S. citizens or on a reservation, and thus ought to be accorded the same rights and privileges as any citizen of the United States; and*

*WHEREAS, The United States has traditionally set aside the fourth Friday in September to be American Indian Day:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 26, 2003 as INDIAN DAY in Illinois, and encourage all citizens to recognize the numerous contributions offered by Indians and the often difficult plights they face.*

Issued by the Governor September 12, 2003  
Filed by the Secretary of State September 15, 2003

**2003-235****October 2003 as Disability Employment Awareness Month**

*WHEREAS, the U.S. Census Bureau estimates that there are more than 800,000 individuals with disabilities in Illinois who are of working age; and*

## PROCLAMATIONS

*WHEREAS, the Americans with Disabilities Act (ADA) prohibits discrimination in all employment practices, specifically prohibiting discrimination against “qualified individuals with disabilities”; and*

*WHEREAS, the Illinois Department of Human Services’ Office of Rehabilitation Services is dedicated to helping people with disabilities find and keep jobs; in 2002 they placed over 8,000 individuals in competitive jobs; and*

*WHEREAS, Illinois is continuously taking steps to improve access to jobs for people with disabilities; in January 2002 the Health Benefit for Workers with Disabilities program was enacted to provide full Medicaid and healthcare benefits to disabled employees; and*

*WHEREAS, Disability Awareness Month helps bring to light the socioeconomic status of the disabled population and promotes governmental and community action to meet their needs:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2003 as DISABILITY EMPLOYMENT AWARENESS MONTH in Illinois.*

Issued by the Governor September 15, 2003

Filed by the Secretary of State September 19, 2003

**2003-236****October 9, 2003 as Lights On Afterschool Day**

*WHEREAS, quality afterschool programs provide a safe and friendly learning environment for kids, while nurturing social and academic skills that motivate, challenge and inspire them; and*

*WHEREAS, in the United States, parents of more than 28 million school-age children work outside the home, and at least 7 million of their children come home to an empty house on any given afternoon; and*

*WHEREAS, Illinois has provided significant leadership in the area of community involvement in the education and well-being of our youth, grounded in the principle that quality afterschool programs are a critical link to helping our children become successful adults; and*

*WHEREAS, Lights On Afterschool is a national celebration of afterschool programs, and promotes the critical importance of quality afterschool programs in*

## PROCLAMATIONS

*the lives of children, their families and their communities; and*

*WHEREAS, on October 9, 2003, there will be more than 3,600 nationwide and 188 statewide events held to celebrate Lights On Afterschool Day:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 9, 2003 as LIGHTS ON AFTERSCHOOL DAY in Illinois, and I encourage all citizens to do their part to ensure that every child has access to a safe, friendly place where the lights are on afterschool.*

Issued by the Governor September 16, 2003

Filed by the Secretary of State September 19, 2003

**2003-237****October 25, 2003 as Y-ME National Breast Cancer Organization Day**

*WHEREAS, approximately 211,300 women will be diagnosed with invasive breast cancer in 2003; and*

*WHEREAS, the Y-ME National Breast Cancer Organization was founded in 1978 by breast cancer patients Mimi Kaplan and Ann Marcou to provide peer support for breast cancer patients; and*

*WHEREAS, through a wide array of programs such as the ShareRing Network and the Lifeline quarterly newsletter, Y-ME reaches out to women on a national level to help lessen the overwhelming effects that breast cancer can cause; and*

*WHEREAS, the Y-ME Organization provides immediate, relevant and free-of-charge services, 24 hours a day, to people who have been touched by breast cancer either personally or through a loved one; and*

*WHEREAS, Y-ME works diligently to ensure that individuals from underserved communities, minorities, and persons with limited English proficiency have access to their programs and services; and*

*WHEREAS, October has been widely recognized as BREAST CANCER AWARENESS MONTH, so it is fitting that we take a day during this month to honor the terrific efforts of the Y-ME Organization:*

## PROCLAMATIONS

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 25, 2003 as Y-ME NATIONAL BREAST CANCER ORGANIZATION DAY, and I encourage all citizens to join in recognizing the great work of the Y-ME Organization.*

Issued by the Governor September 16, 2003

Filed by the Secretary of State September 19, 2003

**2003-238****October 19-25, 2003 as National Primary Care Week**

*WHEREAS, thousands of working families in Illinois do not have decent healthcare, leaving emergency room visits as their only option when help is needed; and*

*WHEREAS, primary care is first-contact, comprehensive care provided to people with a wide range of health concerns, encompassing various medical specialties, and serving as a source of preventive health-care services for patients with both acute and chronic diseases; and*

*WHEREAS, National Primary Care Week has been established by the next generation of America's health-care professionals; and*

*WHEREAS, this annual event serves to highlight the importance of primary care, and to bring health care professionals together to discuss and learn about generalist and interdisciplinary health care, particularly its impact on underserved populations; and*

*WHEREAS, primary care practitioners make up a diverse workforce concerned with the well-being of people, and committed to improving the quality of health care in Illinois and across the country:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 19-25, 2003 as 2003 NATIONAL PRIMARY CARE WEEK in Illinois.*

Issued by the Governor September 16, 2003

Filed by the Secretary of State September 19, 2003

**2003-239****October 2003 as Young Adolescents Month**

*WHEREAS, the Month of the Young Adolescent, recognized annually in October, was initiated by the National Middle School Association to be a national*

## PROCLAMATIONS

*collaborative effort of education, health and youth-oriented organizations, focusing on the needs of children between the ages of 10 and 15; and*

*WHEREAS, there is much valuable information and research about this important age group, but yet little attention is paid to them; and*

*WHEREAS, the community surrounding young adolescents is very much a “classroom,” in which they constantly learn from and adapt to; and*

*WHEREAS, throughout the month, many key messages will be promoted, including the importance of parental involvement in children’s lives, the significance of physical and mental health, and the value of their education; and*

*WHEREAS, the Association of Illinois Middle-Level Schools, a not-for-profit affiliate of the National Middle School Association, will sponsor numerous events associated with the Month of the Young Adolescent in Illinois:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2003 as YOUNG ADOLESCENTS MONTH in Illinois, and encourage all citizens to recognize the challenges and developments associated with this age group.*

Issued by the Governor September 19, 2003

Filed by the Secretary of State September 19, 2003

**2003-240****October 25, 2003 as Make A Difference Day**

*WHEREAS, each year USA Weekend Magazine and the Points of Light Foundation issue a national call to action, challenging Americans to spend the fourth Saturday of October “making a difference” in their communities and in the lives of others; and*

*WHEREAS, Make A Difference Day, a nationally recognized day of helping others, is a unique program that inspires and rewards volunteers; and*

*WHEREAS, last year, 3 million volunteers participated in nearly 5,200 projects on the 12th Annual Make A Difference Day; and*

*WHEREAS, more than forty national groups and countless local organizations participate in Make A Difference Day; and*

## PROCLAMATIONS

*WHEREAS, thousands of projects in hundreds of communities were completed last year through the efforts of the volunteers, earning Make A Difference Day the reputation as the nation's largest day of "doing good."*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 25, 2003 as MAKE A DIFFERENCE DAY in Illinois, and encourage all citizens to make a difference in their communities.*

Issued by the Governor September 19, 2003

Filed by the Secretary of State September 19, 2003

**2003-241****October 13, 2003 as Christopher Columbus Day**

*WHEREAS, the Joint Civic Committee of Italian Americans has been an umbrella organization for more than 75 groups dedicated to charitable causes and promoting Italian Heritage since its founding in 1950; and*

*WHEREAS, the historical impact of Christopher Columbus' discovery of the New World is fundamental to an education in United States history; and*

*WHEREAS, President Franklin D. Roosevelt first declared a Christopher Columbus Day in the United States on October 12, 1937, in honor of his landing in the New World on that day in 1492, and that remembrance was later extended to the second Monday of every October; and*

*WHEREAS, since 1952, due to the leadership of the Joint Civic Committee of Italian Americans, an annual Columbus Day Parade has been held in Chicago:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 13, 2003 as CHRISTOPHER COLUMBUS DAY in Illinois, and encourage all citizens to recognize the vital part that Christopher Columbus and all Italian-Americans have played in the development of our country.*

Issued by the Governor September 19, 2003

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# ILLINOIS ADMINISTRATIVE CODE

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